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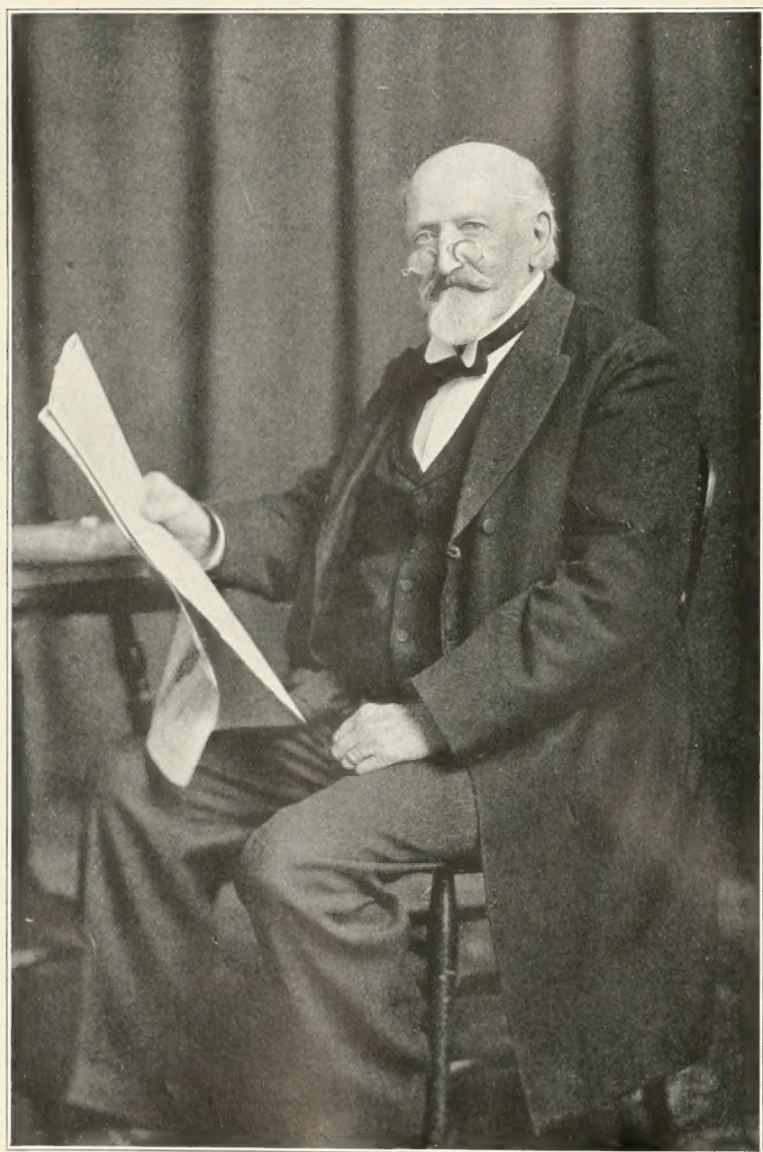
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HON. GEORGE W. KINGSBURY

HISTORY OF DAKOTA TERRITORY

BY

GEORGE W. KINGSBURY

SOUTH DAKOTA ITS HISTORY AND ITS PEOPLE

EDITED BY

GEORGE MARTIN SMITH, B.A., A.M.

ILLUSTRATED

VOLUME I

CHICAGO

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TO MY WIFE

Lydia Maria (Stone) Kingsbury

WHO FOR THIRTY-FOUR YEARS SHARED WITH ME THE PLEASURES AND
TRIBULATIONS OF THE PIONEER ERA OF DAKOTA, THIS HISTORY OF
THE TERRITORY OF DAKOTA IS AFFECTIONATELY DEDICATED
BY THE AUTHOR AND COMPILER. SHE IS EVERY WAY
WORTHY OF THIS TRIBUTE AND ALL THE PRAISE
THEREBY TO BE IMPLIED. SHE WAS A
TRUE, NOBLE, KIND AND UNSELFISH
WIFE, MOTHER AND DAUGHTER.

A WHITE GRAVESTONE, IN THE YANKTON CEMETERY, SUITABLY INSCRIBED,
MARKS THE PLACE WHERE HER MORTAL BODY WAS LAID
TO REST IN FEBRUARY, A. D. 1898.

INTRODUCTION

Regarding the early inhabitants of this country, trustworthy history goes no farther into the past than to the discovery and settlement of the Atlantic region by the Europeans. Conjectures have been formed from the traditions of the Indians, and from relics discovered in ancient mounds and earthworks taken in connection with the course of events narrated in sacred and profane history, that lead to the belief that this country was peopled at a very early period by colonies from Eastern Asia.

Missionaries who met the Dahkotch Indians late in the Sixteenth Century, found them in the country between the Ohio and Mississippi rivers, bordering the Great Lakes, and at war with the Algonquins, and relate that they had a tradition that their ancestors came from the North across a great water, being driven in war from their native country. From this tradition and other similar evidence, it was inferred that their progenitors were once inhabitants of China and Tartary, and from thence found their way to the islands of the Northern Pacific Ocean and thence to the American continent. This theory is rendered plausible by the similarity of language as well as by the physical resemblance of the two peoples. The word slave in Chinese is called "shunko;" and in the Dakota tongue, dog is pronounced "shunka." The theory is that this emigration at first was made up of a civilized people, not as advanced as the civilization of the present day, but possessing and practicing many of the arts of a civilized race—that centuries later these were followed by a people of a fierce and warlike nature, though probably of the same racial family, who were far more numerous than the first immigrants, whom they treated as enemies and drove them from their homes into the more southern climes of Mexico and Central America. It is claimed that Tartary, from whence these immigrants mainly came, had at one time been well advanced in civilization, which would seem to be probable of all the aboriginal peoples of Asia.

In further confirmation of this theory is the old Indian tradition that when the Indian tribes of the Mississippi Valley migrated across the Alleghenies and descended the Atlantic Slope, they found a wilderness abounding in game and fish and wild fruits and flowers, but not inhabited by human beings—and that the Indian nation found there by the early European discoverers were the descendants of those who had migrated from the West.

Accepting with confidence the biblical account of the nativity of the human race and other events connected with the primitive history of mankind, we are led to believe, as the most rational theory, that the Western Hemisphere was first peopled by emigrants from Asia, who were descended from an ancestry that possessed much of what we know of civilization, and who believed in God, whom they designated as the Great Spirit, who possessed the power and the will to punish or reward them according as their deeds might merit. Their faith in

a future life is attested by their funeral rites and burial customs. Accepting this theory as best explaining the origin of the first inhabitants of this continent, we must conclude that the western portion of North America was inhabited by human beings some time before the peopling of the eastern portion and the Atlantic Slope.

With regard to the primitive tribes of Southern Dakota, Charlevoix relates that nearly two centuries ago, the Iowas, Omahas, and Ottoes, were in possession of Southern Dakota, and roamed and warred through the regions watered by the Des Moines, Big Sioux, and James, and that these tribes annually assembled in peace around their council fires at the great Red Pipestone Quarry. From here they were gradually driven south and west by the great nation of Dakotas moving down from the north.

The period of this great retrocession of Indian nations, Hennepin informs us, was some time before the Eleventh Century, or over nine hundred years ago. Up to that era the Dakotas had remained as one nation, governed by one tongue, and were called by the French (*Nadoues-sioux*, meaning enemy), from the latter termination of which word is derived the word "Sioux." But during the great war and flight from the north, they had become disbanded and scattered into separate war parties, and in order to be distinguished from other tribes of the plain they called themselves *Lakotahs*, meaning the "friend-born" or friendly people. Since that period both history and tradition agree in placing the Dakotas as sovereigns of the vast region of country between the Mississippi and the mountains, and embracing the territory of Dakota.

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History of Dakota Territory

CHAPTER I

LOUISIANA—HOW NAMED AND ITS CESSION TO THE UNITED STATES

1803

THE TERRITORY OF LOUISIANA—ITS DISCOVERY BY LASALLE—ITS BOUNDARIES—ITS PURCHASE BY THE UNITED STATES—INCIDENTS LEADING TO THE TREATY OF CESSION.

The Territory of Dakota, with the exception of the portion drained by the Red River of the North and the Mouse River, was a part of the Louisiana Territory, acquired by the United States from France, by purchase, in 1803.

At the close of this country's successful war for independence, waged by the American Colonies against the government of Great Britain, that nation, by the Treaty of Paris, September, 1783, conceded the independence of the Colonies, and transferred to the new nation all its domain and sovereignty lying east of the Mississippi River, south of the Great Lakes and the River St. Lawrence, extending south to the Spanish possessions. These Spanish possessions included Florida and all south of that state's northern boundary line, extended west to the Mississippi River, excepting the Island of New Orleans. West of the Mississippi lay a large portion of the Territory of Louisiana, so named by the intrepid French explorer, LaSalle, in 1682, who had then, as discoverer, taken formal possession of the country drained by the Mississippi and its tributaries, and named it in honor of his king, Louis XIV of France.

Inasmuch as the boundaries of the original Territory of Louisiana do not appear to have been definitely marked by the first claimant or those claiming under that power, for the reason that but a small fraction of the territory had been explored; and because Dakotians must ever be interested in knowing the facts regarding these boundaries, we have copied briefly from a work prepared by the Hon. Binger Hermann, commissioner of the general land office, and published by order of Congress, where the writer unravels the disputed questions, mainly those connected with the possessions of our Government west of the summit of the Rocky Mountains known originally as the Oregon country, in the light of the facts connected with the original discovery and subsequent treaties. First, as to what was claimed by the discoverer:

LaSalle was the first to descend the Mississippi from its navigable northern waters to its mouth, and from the gulf inward again. His discovery was not a mere accident, nor was it left unwritten and in doubt. His journey was undertaken for purposes of discovery, and every important observation was carefully noted and reported by him. He was a man of education and received a patent of nobility. His expeditions were under the authority of the French government, and he early won the confidence and admiration of the French monarch, Louis XIV. The Chevalier Henry de Tonty, Fathers Hennepin and Membré, and other well known explorers were his companions in many expeditions, and a few years before, over much of the same ground, Marquette and Joliet had opened the way among the

Indian tribes. The result of his researches was made known in France, and efforts were at once made by the government to colonize the country and extend exploration.

LaSalle, standing with de Tonty, Dautray and other companions on the banks of the most western channel of the Mississippi, about three leagues from its mouth, on April 9, 1682, took possession of the country in the name of Louis XIV, and setting up a column, or, as Doctor Kohl insists, "a cross with arms of the King," buried a plate, unfurled the flag of France, sung a Te Deum, and naming the country "Louisiana," in a loud voice, proclaimed its extent to be "from the mouth of the great river St. Louis, on the eastern side, otherwise called Ohio, Alighin, Sipore, or Chiskagona, and this with the consent of the Chaonanons, Chikachas, and other people dwelling therein with whom we have made alliance, as also along the River Colbert, or Mississippi, and rivers which discharge themselves therein, from its source beyond the Kious or Nadonessious, and this with their consent, and with the consent of the Miotanties, Illinois, Mesigameus, Natchez, Koroas, which are the most considerable nations dwelling therein, with whom also we have made alliance, as far as its mouth at the sea or Gulf of Mexico, and also to the mouth of the River Palms, upon the assurance which we have received from all these nations that we are the first Europeans who have descended or ascended the said River Colbert.

LaSalle also named the Mississippi "Colbert," in honor of his friend and patron, M. Colbert, the colonial minister under Louis XIV, and upon whose report the king conferred upon LaSalle the rank of esquire, with power to acquire knighthood.

Passing over an interval of thirty-five years, in 1717, Bienville was appointed by the French king to be "Governor of Louisiana," and one of his first acts was to select a place for a French colony, which he did by choosing the site of the present City of New Orleans, named in honor of the Duke of Orleans, then regent of France. In 1723 the seat of government was fixed at that place, which contained 300 inhabitants.

Concerning the northern and western boundaries of Louisiana, they were conceded to be the sources of the waters which by various tributaries were drained into the Mississippi. Subsequently and as the result of treaties between France and England in 1713 (the Treaty of Utrecht), a boundary was fixed between the English and French possessions. The commissioners acting under this treaty fixed the "northern boundary of Canada and Louisiana by a line beginning on the Atlantic, at a cape or promontory in 58° 30' north latitude; thence southeasterly to the Lake Mistasin; thence further southeast to the latitude forty-nine degrees north from the equator, and along that line indefinitely."

At the time this treaty was made, France possessed Canada and Louisiana. This was followed by a treaty between the same powers in 1763 (the United States being not then in existence), by which France ceded all the Territory of Louisiana, east of the Mississippi River, to Great Britain.

Now comes the new Government of the United States, which by the terms of the treaty of peace in 1783, which closed the War of the Revolution, succeeds to all the country theretofore claimed by Great Britain, south of the Great Lakes and east of the Mississippi and its sources, extending west to the Lake of the Woods.

Concerning the settlement of this question of the northern boundary, in which Dakotians will feel an interest, ex-President Jefferson, in a letter to Mr. Mellish, the geographer, dated Monticello, December 31, 1816, says:

By the charter of Louis XIV, all the country comprehending the waters which flow into the Mississippi, was made a part of Louisiana. Consequently its northern boundary was the summit of the highlands in which its northern waters rise. But, by the Xth Art. of the Treaty of Utrecht, France and England agreed to appoint commissioners to settle the boundary between their possessions in that quarter, and those commissioners settled it at the forty-ninth degree of latitude. This it was which induced the British commissioners, in settling the boundary with us, to follow the northern water line to the Lake of the Woods, at the latitude forty-ninth degree, and then go off on that parallel. This, then, is the true northern boundary of Louisiana.

The purchase of the Territory of Louisiana by the United States came about without any premeditation on the part of this Government and so unexpectedly

that it was not known to President Jefferson, under whose administration it was accomplished, until several weeks had elapsed after the treaty ceding the territory had been signed at the French capital. It was secured by peaceful methods, and the purchase was made because Napoleon was determined to sell, and not that the United States was predisposed to buy. The circumstances leading up to this transaction, and the consummation of it, appear to have been signally approved by Providence, beginning with the tyrannical decree of the Spanish governor at New Orleans, forbidding, in effect, the commerce of the Mississippi by American planters, up to the successful termination of the purchase. Spain, in enacting the role of an oppressor, was fostering the cause of human liberty.

In 1762 France had ceded the Territory of Louisiana to Spain and that nation held it for thirty-eight years, or until the year 1800. At this time the Duke of Parma, a son-in-law of the King of Spain, was desirous of securing for himself the succession to the Grand Duchy of Tuscany, that he might be raised to the dignity of a king, and have his dominion enlarged by the addition of Tuscany. In consideration of France giving assurances for these distinctions and enlarged territory in Italy, Spain agreed to the retrocession of Louisiana. The treaty of retrocession was known as the "Treaty of Ildefonso," and was consummated October 1, 1800. Prior to this time the relations between France and the United States had not been harmonious, due chiefly to the disorderly, unsettled, if not chaotic, condition of the French government. At one time, during the administration of President Adams, 1798, our Government was on the point of declaring war against France, and Washington, said to have been tendered the command of our armies, had accepted and had selected a portion of his staff. It could not, therefore, be agreeable to the United States to have an unfriendly power for so close a neighbor. Spain, however, continued to administer the government of Louisiana, while France owned the soil. In 1802 the Spanish governor of New Orleans took occasion to abrogate the treaty with the United States under which American planters along the Mississippi were given free navigation of that river and also were given the right to deposit their produce at New Orleans preparatory to its shipment by sea to Atlantic ports and to foreign countries. The enforcement of this interdiction and withdrawal of the right of deposit raised such a clamor that President Jefferson appealed to France and succeeded in having the Spanish act annulled; but the event had served to draw the attention of the world to this quarter. Napoleon, who was first consul, in the meantime had become deeply involved in war with Great Britain, then the most powerful maritime nation, and he realized the precarious situation of his American possessions, which he would have been unable to defend had England earnestly endeavored to make conquest of them. This was the situation when in 1803 President Jefferson, desirous of securing control of the Mississippi, instructed the American minister at the French capital, Mr. Livingston, to negotiate for the purchase of the Island of New Orleans and West Florida, and at about the same time dispatched James Monroe as a special envoy, giving him \$2,000,000, to assist Livingston in his negotiations. Napoleon was apprised of the earnest desire of the United States to obtain New Orleans, and he had instructed his ministers not only to sell it, but to sell the entire Territory of Louisiana; so that when our representatives made their proposition they were met by the counter proposal of France, to take the whole of Louisiana, New Orleans included. This was altogether unexpected, and no authority had been given them to entertain such a proposition. They were urged to an immediate decision. This desire on the part of Napoleon was not known to the representatives of the United States until the proposition was made. Napoleon, realizing the likelihood of England's ambition, had said to his ministers, Talleyrand of the state and Marbois of the treasury departments:

The English shall not have the Mississippi, which they covet. The conquest of Louisiana would be easy if they only took the trouble to make a despatch there. I have that moment to lose in putting it out of her reach. I think of ceding it to the United States.

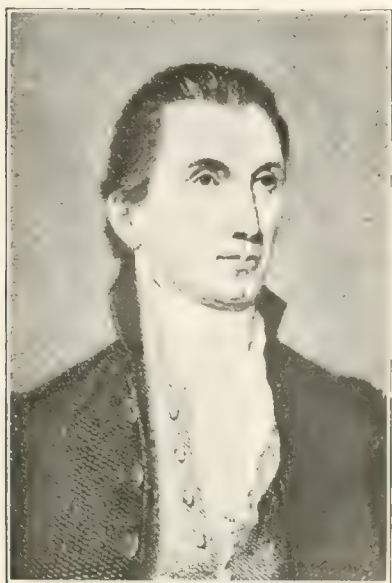
They only ask of me one town in Louisiana; but I already consider the colony as entirely lost; and it appears to me that in the hands of this growing power it will be more useful to the policy and even the commerce of France, than if I should attempt to keep it. It is not only New Orleans that I will cede, it is the whole colony without any reservation. To attempt to retain it would be folly. I direct you (Marbois), to negotiate this offer with the envoys of the United States. I will be moderate in consideration of the necessity in which I am of making a sale. But keep this to yourself.

The American envoys could not consult the home Government for further instructions. The distance was great and time was precious and weeks would be required in which to obtain instructions from Washington. War was soon to be declared between England and France. Prompt action was necessary. Quickness in action meant the vast domain west of the Mississippi for our republic, as delay in action would mean it for England. Our negotiators read the future with the alternative before them, and they gladly accepted the issue, and soon there was an agreement for the whole of Louisiana. The article of the treaty conveying the territory to the United States reads as follows:

Article I. Whereas, by the article, the third of the treaty concluded at St. Idelfonso, the 9th Vendemaire, an. 9 (1st October, 1800), between the First Consul of the French Republic and his Catholic Majesty, it was agreed as follows: "His Catholic Majesty promises and engages on his part, to cede to the French Republic, six months after the full and entire execution of the conditions and stipulations herein relative to his royal highness, the Duke of Parma, the colony or province of Louisiana, with the same extent that it now has in the hands of Spain, and that it had when France possessed it, and such as it should be after the treaties subsequently entered into between Spain and other states." "And whereas, in pursuance of the treaty, and particularly the third article, the French Republic has an incontestible title to the domain and to the possession of the said territory:—The First Consul of the French Republic desiring to give to the United States a strong proof of his friendship, doth hereby cede to the said United States, in the name of the French Republic, forever and in full sovereignty, the said territory, with all its rights and appurtenances, as fully and in the same manner, as they have been acquired by the French Republic, in virtue of the above mentioned treaty concluded with his Catholic Majesty.

As this description was very vague and unsatisfactory as to the definite boundaries and extent of the purchase, our envoys insisted upon a more specific definition. The domain east of the Mississippi had all been determined by various treaties, and the claims of the different nations were generally well known; but the great empire lying west of the Mississippi continued to remain a source of much trouble and uncertainty, as no satisfactory data was offered specifying the boundary, and none could be agreed upon. Marbois expressed to Napoleon the difficulty in reaching a definite conclusion as to boundary, and regretted the obscurity in which so important reference was made; but this did not trouble the conscience of Napoleon, who replied: That "if an obscurity did not already exist, it would, perhaps, be good policy to put one there." Even when questioned as to the eastern boundary, evasive answers were returned. "What are the eastern bounds of Louisiana?" asked Livingston. "I do not know," replied Talleyrand; "you must take it as we received it." "But what did you mean to take?" said Livingston. "I do not know," replied Talleyrand. "Then you mean that we shall construe it our own way?" said Livingston. To which Talleyrand made final reply: "I can give you no direction. You have made a noble bargain for yourselves, and I suppose you will make the most of it."

The date of this treaty was April 30, 1803. The treaties were sent to Washington, as it was Napoleon's desire that ratification should be exchanged at Washington rather than at Paris. The papers arrived at Washington July 14, 1803, and October 17th, following, Congress was convened, and after much discussion and contention as to the constitutional authority of Congress to annex foreign territory to the Union, the treaty was ratified. Even with all this done, our purchase was not secure. Up to this moment Louisiana still remained in the possession and under the government of Spain. There had as yet been no surrender to France under the Treaty of St. Idelfonso, October 1, 1800, and



JAMES MONROE
Special ambassador to France in 1803



THOMAS JEFFERSON
Third President of United States, 1803



ROBERT R. LIVINGSTON
United States minister to France, 1803



BARTHELEMY DE LA FAYETTE
Comte de la Fayette 1774-1834
1803

three years had elapsed since then. France was not in the occupancy of the purchase to comply with the treaty negotiated with the Americans. Indeed, when at last the treaty was made known to the Spaniards in Louisiana and even in Spain, protests were received at Washington from both quarters. The Spanish minister served notice on our Government—"that he had orders to warn the Federal Government to suspend the ratification and execution of the treaties of cession of Louisiana, as the French government in securing the province had contracted an engagement with Spain not to retrocede it to any other power. France not having executed that engagement, the treaty of cession was void."

It was thought by many that England had united with Spain to defeat the purchase. The French government had given orders that both transfers of authority should take place at New Orleans at the same time, so as to expedite the surrender to the United States before England could intervene.

Regardless of the Spanish protests, the French charge d'affaires at Washington transmitted instructions to the representative at New Orleans for the transfer. The representative reached there on the 23d of November, 1803. A conference followed between the French and Spanish officials, and it was agreed to make the change. The Spanish troops and militia were arrayed in solemn procession, and in presence of those assembled the commissioners representing France and Spain proclaimed the missions they were charged to execute. The French commissioner presented to the Spanish commissioner the order of the King of Spain for the delivery of the province, dated more than one year previous, and with this was also presented the direction of Napoleon to receive possession in the name of France. The Spanish governor then surrendered the keys of the city, and thereupon the authority of Spain was withdrawn and the Spanish colors lowered as the flag of France was unfurled amid the booming of artillery. The authority of France continued for the brief period of twenty days, and then the last change was to occur, when the Stars and Stripes were to wave over the great empire west of the Mississippi and the Island of New Orleans. On December 20, 1803, the American troops marched into the metropolis and the French prefect announced:

In conformity with the treaty, I put the United States in possession of Louisiana and its dependencies. The citizens and inhabitants who wish to remain here and obey the laws, are from this moment exonerated from the oath of fidelity to the French Republic.

Thereupon the American governor, addressing the concourse present, said:

The cession secures to you and to your descendants the inheritance of liberty, perpetual laws, and magistrates whom you will elect yourselves.

As the French colors came down, and the Stars and Stripes of the American Republic went up, the trumpets sounded, the troops saluted, and cheerful voices with loud huzzahs gave exultant welcome to the grandest and greatest of the young republic's triumphs, which "ranked in historical importance next to the Declaration of Independence and the adoption of the Constitution."

The summit of the Rocky Mountains, as Jefferson held, was accepted to be the northwestern boundary of the Louisiana Purchase, and our country's claim to the domain west of the Rockies was based on other claims which were well founded. The forty-ninth parallel has come down to us as the northern boundary west of the Lake of the Woods, though for nearly fifty years it was a matter of international dispute, and gave rise to a protracted controversy between the United States and Great Britain concerning that portion west of the summit of the mountains, known in early days as the "Oregon country," which from about 1820 to 1846 threatened to terminate in an armed conflict. Great Britain claimed all of that country north of the forty-second parallel, while the United States, disputing Britain's pretensions, insisted upon her right to all the domain

as far north as 54° 40' north latitude. The dispute was finally amicably settled by compromise, and the forty-ninth degree was fixed as the northern boundary of the possessions of the United States.

The United States came into possession of this magnificent domain of Louisiana at a cost of 60,000,000 francs in national bonds bearing 6 per cent interest, and in addition assumed the payment of debts owing by France to American merchants, amounting to about twenty million more. On this basis the treaty was consummated, the amount paid reduced to the United States dollar standard, allowing 5½ francs to the dollar, being \$15,000,000. In the light of subsequent history, must we not conclude that in this transaction Providence signally favored our country? When intelligence of the treaty reached the President and the people of this country, it was regarded with many misgivings and regrets, except in the Southwest, where the farmers were so vitally interested; and for a time the heads of Jefferson and the leaders of his party rested uneasily for fear that public opinion would be set against them and the Federalists restored to control at the national election in 1804. But as time passed the measure grew in public esteem and greatly strengthened the party in power.

The reader is probably familiar with the extent of the territory so acquired, from the Mississippi west to the summits of the Rocky Mountains, and from the Gulf of Mexico to the international boundary on the north, embracing an area of 875,025 square miles in extent and containing 560,016,000 acres, according to the official figures of the general land office of the United States. It embraced, as shown on our Government maps of today, nearly the entire State of South Dakota, three-fourths of North Dakota, nearly all of Minnesota west of the Mississippi River; all of Montana and Wyoming lying east of the main range of the Rocky Mountains; one-third of Colorado; all of Kansas save the southwest corner south of the Arkansas River; all of the states of Missouri, Iowa, Nebraska and Arkansas; practically all of Oklahoma, including the Indian Territory, and a large part of the State of Louisiana; in extent about one-fourth less than the original thirteen states; and larger than Great Britain, France, Spain, Germany, Italy and Portugal combined. Dakota Territory embraced one of the choicest portions of this grand domain, and after a half century of intelligent practical experience and development, we feel justified in claiming that it enclosed within its boundaries natural resources as varied, as useful, and as necessary to mankind as any area of Mother Earth of equal extent in any portion of the globe. A law was enacted by Congress, that was approved by President Jefferson in March, 1804, giving to the newly acquired country a stable form of government. The lower portion of the land was named the Territory of New Orleans, and the upper portion was named the Territory of Louisiana. Dakota Territory is a part of Louisiana.

CHAPTER II

LEWIS AND CLARK EXPEDITION

1804

THOMAS JEFFERSON'S EFFORTS TO SECURE THE EXPLORATION OF THE MISSOURI VALLEY—FIRST EXPLORATION PLANNED FROM EASTERN RUSSIA—SECOND ATTEMPT THWARTED BY THE FRENCH—THIRD EFFORT UNDER LEWIS AND CLARK SUCCESSFUL—JEFFERSON'S MESSAGE URGING AN EXPEDITION—CONGRESS FAVORS—LEWIS AND CLARK ON THE WAY—ENTER THE FUTURE DAKOTA, AUGUST 21, 1804—MINERAL POISON IN THE WATER—ELK AND BUFFALO—THE VERMILLION VALLEY AND SPIRIT MOUND.

Thomas Jefferson, the third President of the United States, would seem to have been the first of American statesmen whose interest was aroused regarding the nature and resources of that portion of our country west of the Mississippi River. Even before the formation of the Federal Government he had been party to an agreement in Paris whereby John Ledyard, a famous traveler and explorer, was to make a trip through Russia to Kamschatka by land, thence across the Behring Sea to the Alaskan coast in some Russian vessel engaged in the American Pacific fur trade, of which there were quite a number, thence down into the latitude of the Missouri, and thence to the United States. Ledyard started on this journey with the consent of the Russian government, and reached within 200 miles of Kamschatka, where he was obliged to halt for the winter. In the meantime the Russian empress had concluded to prevent the enterprise, and as he was preparing to resume his journey in the spring, he was arrested and taken to Poland. This ended the enterprise.

"In 1782," using the language of Jefferson, "I proposed to the American Philosophical Society that we should set on foot a subscription to engage some competent person to explore that region in the opposite direction—that is, by ascending the Missouri River, crossing the stony mountains and descending the nearest river to the Pacific. Captain Lewis warmly solicited me to obtain for him the execution of that project. I told him it was proposed that the person engaged should be attended by a single companion only to avoid exciting alarm among the Indians. This did not deter him; but Mr. Andre Michaux, a professed botanist, offering his services, they were accepted. He received his instructions, and when he had reached Kentucky in the prosecution of his journey, he was overtaken by an order from the minister of France, then at Philadelphia, to relinquish the expedition, and to pursue elsewhere the botanical enquiries of the government; and thus failed the second attempt for exploring that region."

In 1803 the act for establishing trading houses among the Indians being about to expire, some modifications of it were recommended to Congress by a confidential message of January 18th and an extension of its views to the Indians on the Missouri. Congress approved the proposition and voted a sum of money for carrying it into execution.

The portion of the message referred to by the President is the following, the preceding portion of the document being taken up with recommendations regarding the Indians east of the Mississippi, among whom the Government

had established public or Government trading houses in order to stop the nefarious plundering of the Indians by private traders whose extortions had occasioned much trouble.

While the extension of the public commerce among the Indian tribes may deprive, of that source of profit, such of our citizens as are engaged in it, it might be worthy the attention of Congress in their care of individual as well as of the general interest to point, in another direction, the enterprise of those citizens, as profitably for themselves and more usefully for the public. The River Missouri and the Indians inhabiting it are not as well known as is rendered desirable by their connection with the Mississippi, and consequently with us. It is however understood that the country on that river is inhabited by numerous tribes who furnish great supplies of furs and peltry to the trade of another nation, carried on in a high latitude through an infinite number of portages and lakes shut up by ice through a long season. The commerce on that line could bear no competition with that of the Missouri, traversing a moderate climate, offering, according to the best accounts, a continued navigation from its source, and possibly with a single portage from the western ocean, and finding to the more southern latitude a choice of channels, through the Illinois or Wabash, the lakes and Hudson, through the Ohio and Susquehanna, or Potomac or James rivers. An intelligent officer with ten or twelve chosen men, fit for the enterprise and willing to undertake it, taken from our forts where they may be spared without inconvenience, might explore the whole line, even to the western ocean, have conferences with the natives on the subject of commercial intercourse, get admission among them for our traders as others are admitted, agree on a convenient deposit for an interchange of articles, and return with the information required, in the course of two summers. Their arms and accoutrements, some instruments of observation, and light and cheap presents for the Indians would be all the apparatus they could carry, and with an expectation of a soldier's portion of land on their return, would constitute the whole expense. Their pay would be going on whether here or there. While other civilized countries have encountered great expense to enlarge the boundaries of knowledge, by undertaking voyages of discovery, and for other literary purposes, in various parts and directions, our nation seems to owe to the same objects, as well as its own interests, to explore this, the only line of easy communication across the continent, and so directly traversing our own part of it. The interests of commerce place the principal object within the constitutional powers of Congress; and that it should incidentally advance the geographical knowledge of our own continent, cannot but be an additional gratification. The nation claiming the territory, regarding this as a literary pursuit, which it is in the habit of permitting within its dominions, would not be disposed to view it with jealousy, even if the expiring state of its interests there did not render it a matter of indifference.

The appropriation of \$2,500 "for the purpose of extending the external commerce of the United States," while understood and considered by the executive as giving the legislative sanction, would cover the undertaking from notice and prevent the obstructions which interested individuals might otherwise previously prepare in its way.

THO. JEFFERSON.

This message was transmitted to Congress several months before the Louisiana treaty was made with France.

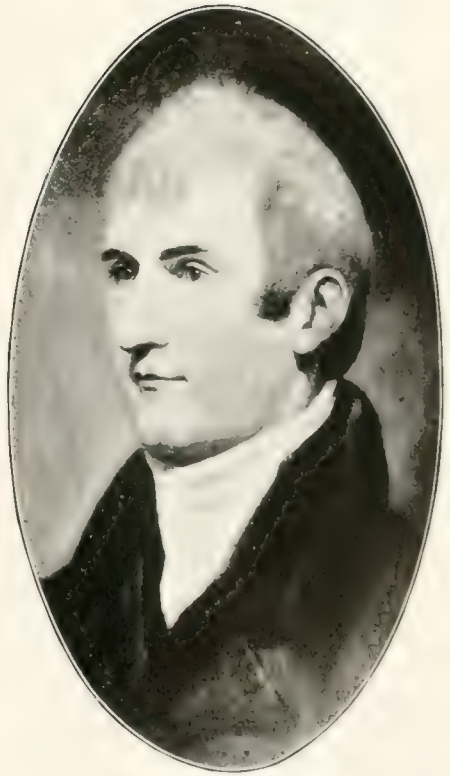
The enterprise having obtained the sanction of Congress, the President immediately made choice of Capt. Meriwether Lewis to command the expedition, basing his action and confidence on his intimate personal acquaintance with the man and officer, regarding whom the President gave the following unqualified indorsement:

Captain Lewis, who had then been near two years with me as private secretary, immediately renewed his solicitations to have the direction of this party. I had now had opportunities of knowing him intimately. Of courage undaunted, possessing a firmness and determination of purpose which nothing but impossibilities could divert from its direction; careful as a father of those committed to his charge, yet steady in the maintenance of discipline; intimate with the Indian character, customs and principles; habituated to the hunting life; guarded, by exact observation of the vegetables and animals of his own country, against losing time in the description of objects already possessed; honest, disinterested, liberal of sound understanding and a fidelity to truth so scrupulous that whatever he should report would be as certain as if seen by ourselves; with all these qualifications, as if selected and implanted by nature in one body, for this express purpose, I could have no hesitancy in confiding the enterprise to him.

Captain Lewis selected as his associates in the enterprise, William Clark, a lieutenant in the army and a younger brother of Gen. George Rogers Clark, conspicuous in the Continental army during the Revolution. Lieutenant Clark



WILLIAM CLARK



MERIWETHER LEWIS

received a commission as captain. The plans for the exploration of Louisiana contemplated a voyage up the Missouri River, which was to be explored to its source, thence to cross the mountains and go on by any practical river route to the Pacific. Information was to be gathered regarding the character of the country, its inhabitants, rivers, soil, climate, geography, woods and animals. Captain Lewis left Washington July 5, 1803, and proceeded to Pittsburgh, thence by the Ohio and Mississippi to St. Louis. The soldiers for the expedition were taken from military posts on the Ohio. At Louisville, Kentucky, he was joined by Capt. William Clark, his associate, and they proceeded to St. Louis, where they arrived in December. Here the expedition was organized with as little delay as possible, intending to ascend the Missouri to the highest practicable point they could reach before the channel closed and there establish winter quarters. But the Spanish commander of the province, not having received an official account of the transfer to the United States, was obliged by the general policy of his government to forbid the passage of the expedition through Spanish territory. The expedition then encamped at the mouth of Wood River on the eastern bank of the Mississippi and opposite the mouth of the Missouri, where the winter passed in instructing the men and preparing for the journey.

Including the leaders, the party was made up of nine young Kentuckians enlisted for the expedition, fourteen soldiers of the regular army, who had volunteered, two French boatmen, and an interpreter and hunter, and a black servant belonging to Captain Clark, named York. (Their names are given in a subsequent chapter.) Their fleet of boats numbered three, the first a keel boat fifty-five feet long, drawing three feet of water, carrying one large square sail and twenty-two oars. A deck of ten feet in the bow and stern formed a forecastle and cabin, while the middle was covered by lockers which might be raised so as to form a breastwork in case of attack. This was accompanied by two pirogues, or open boats, one of six and the other of seven oars. Two horses were led along the banks of the river for the purpose of bringing in game or hunting. In addition to the force above described, a corporal, six soldiers and nine watermen were taken to accompany the expedition as far as Mandan Village to assist in carrying stores and in case of necessity to repel an attack. A large quantity of Indian goods, besides the necessary outfit of the party, were included in the cargo. The expedition entered the mouth of the Missouri on the 14th day of May, 1804, and proceeded without serious mishap until nearing the present boundary between Iowa or Nebraska and South Dakota. At a council held with the Indians a few days before reaching this point, the explorers first mention meeting with three Yankton-Avan Indians, who were on a visit to the Mahas, and from whom some information is gleaned regarding the disposition of the Dakotah Indians.

We have thought proper to introduce that portion of the journal which describes the passage of the expedition through Dakota as it appears in the published record, beginning with the death of Sergeant Floyd, the first and only fatality that occurred during this memorable journey:

On the 20th of August the party had been holding a council with the Ottobas a few miles below (Sioux City), and that morning, after passing two islands on the north, came to one on that side of the river under some bluffs, the first near the river since we left the Ayauwa village. Here we had the misfortune to lose one of our sergeants, Charles Floyd. He had been seized with a bilious colic the day before, and all the care and attention possible was bestowed upon him, but failed to give him relief. A little before his death he said to Captain Clark, "I am going to leave you"; and his strength failing, he added, "I want you to write me a letter," and died composedly, justifying the high opinion that had been formed of him. He was buried on top of the bluff with the honors due to a brave soldier, and the place of his interment marked by a cedar post on which his name and the day of his death were inscribed. About a mile beyond this place, to which we gave his name, is a small river about thirty yards wide on the north, which we called Floyd's River, where we encamped.

The narrative then gives the entrance of the expedition into the region to become known as Dakota, on the 21st of August, 1804:

The breeze from the southeast carried us by a small willow creek (Perry Creek) on the north, about $1\frac{1}{2}$ miles above Floyd's River. Here began a range of bluffs which continued till near the mouth of the great Sioux River, three miles beyond Floyd's. This river comes in from the north and is about one hundred yards wide. Mr. Durion, our Sioux interpreter, who is well acquainted with it, says it is navigable upwards of two hundred miles to the falls, and even beyond them; that its sources are near those of the Peters. He also says that below the falls a creek falls in from the eastward, after passing through cliffs of red rock. Of this the Indians make their pipes, and the necessity for procuring that article has introduced a sort of law of nations, by which the banks of the creek are sacred, and even tribes at war meet without hostility at these quarries, which possess a right of asylum. Thus we find among savages certain privileges deemed sacred, by which the rigors of their merciless system of warfare are mitigated. A sense of common danger, where stronger ties are wanting, gives all the binding force of more solemn obligations. The importance of preserving the known and settled rules of warfare among civilized nations, in all their integrity, become strikingly evident, since even savages with their few precarious wants cannot exist in a state of peace or war where this faith is once violated. At $4\frac{1}{4}$ miles we came to two willow islands, beyond which are several sand-bars; and at twelve miles a spot where the Mahas (Omahas) once had a village, now no longer existing. We encamped on the south, having come $24\frac{3}{4}$ miles. The country through which we passed has the same uniform appearance ever since we left the River Platte; rich, low grounds near the river, succeeded by undulating prairies with timber near the waters. Some wolves were seen on the sand beaches to the south; we also procured an excellent fruit, resembling the red currant, growing on a shrub like the privet, and about the height of a wild plum. On the 22d, about three miles distant, we joined the men who had been sent from the Mahas village and who brought us two deer. The bluffs, which reach the river at this place on the south, contain alum, copperas, cobalt, which had the appearance of soft isinglass, pyrites and sandstone, the two first very pure. Above the bluff comes in a small creek on the south, called Rolage Creek. Seven miles above is another cliff on the same side, of alum rock of a dark brown color, containing in its crevices great quantities of cobalt, cemented shells and red earth. From this the river bends to the eastward and approaches the Sioux River within three or four miles. We sailed the greater part of the day and made nineteen miles to our camp on the north side. The sand-bars are, as usual, numerous, and also considerable traces of elk, none of which are yet seen. Captain Lewis, in proving the quality of some of the substance in the first cliff, was considerably injured by the fumes and taste of the cobalt, and took some strong medicine to relieve him from its effects. The appearance of these mineral substances enables us to account for disorders of the stomach with which the party had been affected since we left the River Sioux. We had been in the habit of dipping up the water in the river inadvertently and making use of it till, on examination, the sickness was thought to proceed from a scum covering the surface of the water along the southern shore, and which, as we now discovered, proceeded from these bluffs. The men had been ordered, before we reached the bluffs, to agitate the water so as to disperse the scum, and take the water, not at the surface, but at some depth.

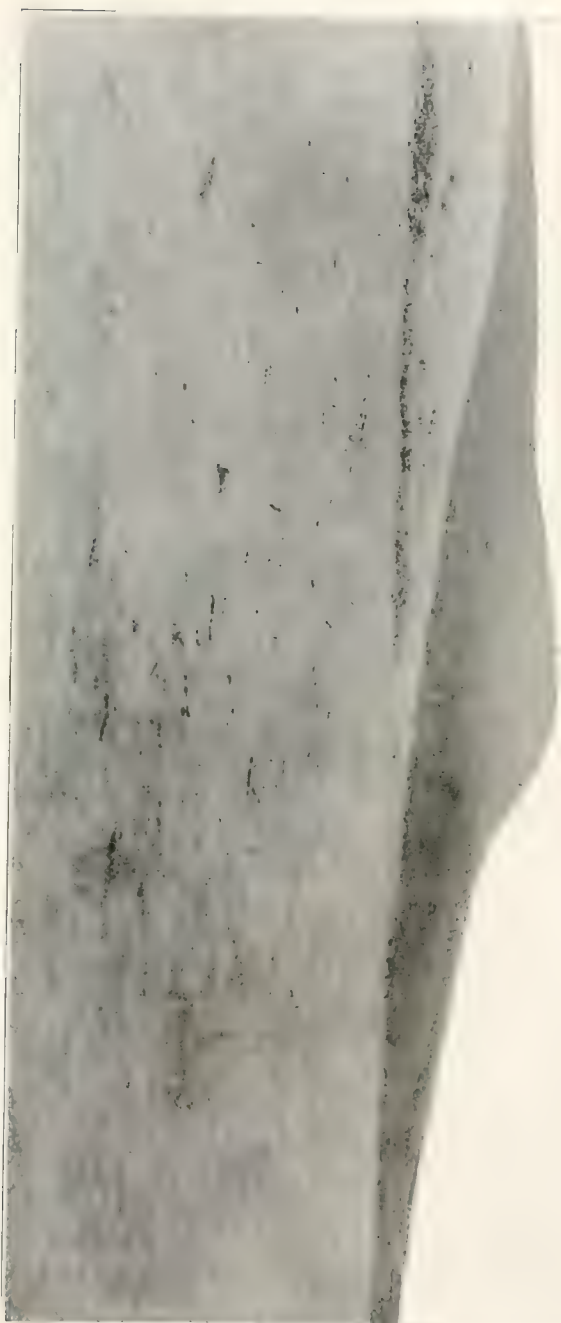
The consequence was that these disorders ceased; the biles, too, which had afflicted the men, were not observed beyond the Sioux River.

In order to supply the place of Sergeant Floyd, we permitted the men to name three persons; and Patrick Gass, having the greatest number of votes, was made a sergeant.

On the following day we set out early, and at four miles came to a small run between cliffs of yellow and blue earth; the wind, however, soon changed, and blew so hard from the west that we proceeded very slowly, the fine sand from the bar being driven in such clouds that we could scarcely see. Three and a quarter miles beyond this run we came to a willow island and a sand island opposite, and we camped on the south side at $10\frac{1}{4}$ miles. On the north side is an extensive and delightful prairie, which we called Buffalo Prairie, from our having there killed the first buffalo. Two elk swam the river today and were fired at, but escaped; a deer was killed from the boat; one beaver was killed and several prairie wolves were seen.

It began to rain last night and continued this morning, the 24th. We proceeded, however, $2\frac{1}{4}$ miles to the commencement of a bluff of blue clay, about one hundred and eighty or one hundred and ninety feet on the south side; it seems to have been lately on fire, and even now the ground is so warm that we cannot keep our hands in it at any depth; there are strong appearances of coal, and also great quantities of cobalt, or a crystallized substance resembling it. There is a fruit now ripe resembling a currant, except that it is double the size and grows on a bush like a privet, the size of a damson and of a delicious flavor; its Indian name means rabbit-berries. We then passed, at the distance of about seven miles, the mouth of a creek on the north side, called by an Indian name, meaning Whitestone River (Vermillion River). The beautiful prairie of yesterday has changed into one of greater height, and very smooth and extensive. We encamped on the south side at $10\frac{1}{4}$ miles, and found ourselves much annoyed by the mosquitoes.

SPIRIT MOUNT, CLAY COUNTY
Lewis and Clark monuments



The next morning, September 25th, Captains Lewis and Clark, with ten men, went to see an object deemed very extraordinary among all the neighboring Indians. They dropped down to the mouth of Whitestone River (Vermillion), about thirty yards wide, where they left the boat, and at the distance of 200 yards ascended a rising ground, from which a plain extended itself as far as the eye could discern. After making four miles, they crossed the creek where it is twenty-three yards wide and waters an extensive valley. The heat was so oppressive that we were obliged to send back our dog to the creek, as he was unable to bear the fatigue; and it was not till after four hours' march that we reached the object of our visit. This was a large mound in the midst of the plain about north twenty degrees west from the mouth of Whitestone River, from which it is nine miles distant. The base of the mound is a regular parallelogram, the longest side being about three hundred yards, the shortest sixty or seventy; from the longest side it rises with a steep ascent from the north and south to the height of sixty or seventy feet, leaving on the top a level plain of twelve feet in breadth and ninety in length. The north and south extremities are connected by two oval borders, which serve as new bases, and divide the whole side into three steep but regular gradations from the plain.

The only thing characteristic in this hill is its extreme symmetry, and this, together with its being totally detached from the other hills, which are at the distance of eight or nine miles, would create a belief that it was artificial; but as the earth and the loose pebbles that compose it are arranged precisely like the steep grounds on the borders of the creek, we concluded from this similarity of texture that it might be natural.

But the Indians have made it a great article of their superstition; it is called the Mound of Little People, or Little Spirits, and they believe that it is the abode of little devils in the human form, of about eighteen inches high, and with remarkably large heads; they are armed with sharp arrows, with which they are very skillful, and are always on the watch to kill those who should have the hardihood to approach their residence. The tradition is that many have suffered from these little evil spirits, and, among others, three Waha Indians fell a sacrifice to them a few years since. This has inspired all the neighboring nations—Sioux, Wahas and Ottoes—with such terror that no consideration could tempt them to visit the hill. We saw none of the wicked little spirits, nor any place for them except some small holes scattered on the top. We were happy enough to have escaped their vengeance, though we remained some time on the mound to enjoy the delightful prospect of the plain, which spreads itself out till the eye rests upon the northwest hills at a great distance, and those of the northeast still farther off, enlivened by large herds of buffaloes feeding at a distance. The soil of these plains is exceedingly fine; there is, however, no timber, except on the Missouri, all the wood of the Whitestone River not being sufficient to cover thickly one hundred acres. The plain country which surrounds this mound has contributed not a little to its bad reputation; the wind driving from every direction over the level ground obliges the insects to seek shelter on its leeward side, or be driven against it by the wind.

The excessive heat and thirst forced us from the hill, about 1 o'clock, to the nearest water, which we found in the creek at three miles distance, and remained an hour and a half. We then went down the creek through a lowland about one mile in width, and crossed it three times, to the spot where we first reached it in the morning. Here we gathered some delicious plums, grapes and blue currants, and afterwards arrived at the mouth of the river about sunset. To this place the course from the mound is south twenty degrees, east nine miles. We there resumed our periogue, and on reaching our encampment of last night set the prairies on fire to warn the Sioux of our approach.

In the meantime the boat under Sergeant Pryor had proceeded during the afternoon one mile to a bluff of blue clay on the south, and after passing a sand bar and two sand islands, fixed their camp at the distance of six miles on the south. We had killed a duck and several birds; in the boat they had caught some large catfish.

We rejoined the boat at 9 o'clock on Sunday the 26th, before she set out, and then passing by an island and under a cliff on the south, nearly two miles in extent and composed of white and blue earth, encamped at nine miles distance on a sand-bar toward the north. Opposite to this, on the south, is a small creek called Petit Arc, or Little Bow, and a short distance above it an old village of the same name. This village, of which nothing remains but the mound of earth about four feet high surrounding it, was built by a Waha chief named Little Bow, who, being displeased with Black Bird (the principal chief), the late king, seceded with 200 followers and settled at this spot which is now abandoned, as the two villages have reunited since the death of Black Bird. We have great quantities of grapes, and plums of three kinds—two of a yellow color and distinguished by one of the species being longer than the other, and a third round and red; all have an excellent flavor, particularly those of a yellow kind.

CHAPTER III

LEWIS AND CLARK EXPEDITION

(Continued)

AT THE MOUTH OF JAMES RIVER—YANKTON INDIANS SEND FRIENDLY GREETINGS—AT THE FUTURE CAPITAL OF DAKOTA—FOUR DAYS COUNCIL WITH THE YANKTONS—AMERICAN FLAG UNFURLED—ADMIRABLE SPEECHES—A NEVER-SURRENDER INDIAN BAND—STRIKE-THE-REE THE FIRST—CENSUS—CALUMET BLUFF—FORTIFICATIONS AT BON HOMME ISLAND IN RUINS—PRINCE MADOC AND THE MANDAN INDIANS.

August 27th (nearing Yankton). The morning star appears much larger than usual. A gentle breeze from the southeast carried us by some large sand-bars on both sides and in the middle of the river to a cliff on the south side at $7\frac{1}{2}$ miles distant; this bluff is of white clay or chalk, under which is much stone, like lime, incrusting with a clear substance supposed to be cobalt, and some dark ore. About this bluff we set the prairie on fire to invite the Sioux. After $12\frac{1}{2}$ miles we had passed several other sand-bars, and soon reached the mouth of a river called by the French Jacques (James River), or Yankton, from the tribe which inhabits its banks. It is about ninety yards wide at the confluence; the country which it waters is rich prairie, with little timber; it becomes deeper and wider above its mouth, and may be navigated a great distance, as its sources rise near those of St. Peter's of the Mississippi and the Red River of Lake Winnipeg. As we came to the mouth of the river an Indian swam to the boat, and on our landing we were met by two others, who informed us that a large body of Sioux were encamped near us. They accompanied three of our men, with an invitation to meet us at a spot above on the river; the third Indian remained with us.

He is a Maha boy, and says that his nation has gone to the Pawnees to make peace with them. At fourteen miles we encamped on a sand-bar to the north ($1\frac{1}{2}$ miles above the James). The air was cool, the evening pleasant, the wind from the southeast and light. The river has fallen gradually, and is now low.

On Tuesday, the 28th of August, we passed, with a stiff breeze from the south, several sand-bars. On the south is a prairie which rises gradually from the water to the height of a bluff which is, at four miles distance, of a whitish color and about seventy or eighty feet high. Farther on is another bluff of a brownish color, on the north side; and at the distance of $8\frac{1}{2}$ miles is the beginning of Calumet Bluff, on the south side (ten miles from the James), under which we formed our camp, in a beautiful plain, to await the arrival of the Sioux. At the first bluff the young Indian left us and joined his camp.

Before reaching Calumet Bluff, one of the periogues ran upon a log in the river and was rendered unfit for service, so that all our loading was put into the second periogue. On both sides of the river are fine prairies with cottonwood, and near the bluff there is more timber at the points and valleys than we have been accustomed to see.

August 29th, on Wednesday, we had a violent storm of wind and rain last evening, and were engaged during the day in repairing the periogue and other necessary occupations, when at 4 o'clock in the afternoon Sergeant Pryor and his party arrived on the opposite side attended by five chiefs and about seventy men and boys. We sent a boat for them and they joined us, as did also Mr. Durion, the son of our interpreter, who happened to be trading with the Sioux at this time. He returned with Sergeant Pryor to the Indians, with a present of tobacco, corn and a few kettles, and told them we would speak to their chiefs in the morning. Sergeant Pryor reported that on reaching their village, which is at twelve miles distance from our camp, he was met by a party with a buffalo robe on which they desired to carry their visitors, an honor which they declined, informing the Indians that they were not the commanders of the boat. As a great mark of respect they were then presented with a fat dog already cooked, of which they partook heartily and found it well flavored.

The camps (lodges) of the Sioux are of conical form, covered with buffalo robes, painted with various figures and colors, with an aperture in the top for the smoke to pass through. The lodges contain from ten to fifteen persons, and the interior arrangement is compact and handsome, each lodge having a place for cooking detached from it.

On Thursday, the 30th, the fog was so thick that we could not see the Indian camp on the opposite side; but it cleared off about 8 o'clock. We prepared a speech and some presents, and then sent for the chiefs and warriors, whom we received at 12 o'clock under a large oak tree, near to which the flag of the United States was flying. Captain Lewis delivered a speech, with the usual advice and counsel for their future conduct. We then acknowledged their chiefs by giving to the grand chief a flag, a medal, a certificate with a string of wampum, to which we added a chief's coat that is a richly laced uniform of the United States Artillery Corps, and a cocked hat and red feather. One second chief and three inferior ones were made or recognized by medals and a suitable present of tobacco and articles of clothing. We then smoked the pipe of peace, and the chiefs retired to a bower formed of bushes by their young men, where they divided among each other the presents, and smoked and ate, and held a council on the answer which they were to make us tomorrow. The young people exercised their bows and arrows in shooting at marks for beads, which we distributed to the best marksmen; and in the evening the whole party danced to a late hour, and in the course of their amusement we threw among them some knives, tobacco, bells, tops and binding, with which they were much pleased. Their musical instruments were the drum and a sort of little bag made of buffalo hide dressed white, with small shot or pebbles in it, and a bunch of hair tied to it. This produces a sort of rattling music, with which the party was annoyed by four musicians during the council this morning.

On the morning of the 31st, after breakfast, the chiefs met and sat down in a row, with pipes of peace highly ornamented, and all pointed toward the seats intended for Captains Lewis and Clark. When they arrived and were seated, the grand chief, whose Indian name, Weucha, is in English Shake Hand, and in French is called *Le Libérateur* (the deliverer), rose and spoke at some length, approving what we had said and promising to follow our advice.

"I see before me," said he, "my great father's two sons. You see me and the rest of our chiefs and warriors. We are very poor. We have neither powder nor ball, nor knives, and our women and children at the village have no clothes. I wish that, as my brothers have given me a flag, and a medal, they would give something to those poor people or let them stop and trade with the first boat that comes up the river. I will bring chiefs of the Pawnees and Mahas together and make peace between them; but it is better that I should do it than my great father's sons, for they will listen to me more readily. I will also take some chiefs to your country in the spring; but before that time I cannot leave home. I went formerly to the English and they gave me a medal and some clothes; when I went to the Spanish they gave me a medal, but nothing to keep it from my skin; but now you give me a medal and clothes. But still we are poor, and I wish, brothers, you would give us something for our squaws."

When he sat down, Mahtoree, or White Crane, arose: "I have listened," said he, "to what our father's words were yesterday, and I am glad today to see how you have dressed our old chief. I am a young man and do not wish to take much; my fathers have made me a chief; I had much sense before, but now I think I have more than ever. What the old chief has declared I will confirm, and do whatever he and you please; but I wish that you would take pity on us, for we are very poor."

Another chief called Pau-nau-ne-ah-pah-be (Strike-the-Ree) then said: "I am a young man and know but little. I cannot speak well, but I have listened to what you have told the old chief and will do whatever you agree."

The same sentiments were then repeated by Awea Wechache. We were surprised at finding that the first of these titles means, "Struck by the Pawnees," and was occasioned by some blow which the chief received in battle from one of the Pawnee tribe. The second is, in English, "Half Man," which seems a singular name for a warrior, till it was explained to have its origin probably in the modesty of the chief, who, on being told of his exploits, would say: "I am no warrior; I am only half a man." The other chiefs spoke very little, but after they had finished, one of the warriors delivered a speech in which he declared he would support them. They promised to make peace with the Ottoes and Missouris, the only nations with whom they are at war. All these harangues concluded by describing the distress of the nation; they begged us to have pity on them; to send them traders; that they wanted powder and ball, and seemed anxious that we should supply them with some of the great father's milk, the name by which they distinguish ardent spirits.

We then gave some tobacco to each of the chiefs, and a certificate to two of the warriors who attended the chief. We prevailed on Mr. Durion to remain here, and accompany as many of the Sioux chiefs as he could collect down to the seat of government. We also gave his son a flag, some clothes, and provisions, with directions to bring about a peace between the surrounding tribes, and to convey some of their chiefs to see the President. In the evening they left us and encamped on the opposite bank, accompanied by the two Durions.

During the evening and night we had much rain and observed that the river raised a little. The Indians who have just left us are the Yanktons, a tribe of the great nation of Sioux. These Yanktons are about two hundred men in number, and inhabit the Jacques, Des Moines, and Sioux rivers. In person they are stout, well proportioned, and have a certain air of dignity and boldness. In their dress they differ nothing from the other bands of the nation whom we saw and will describe afterwards; they are fond of decorations, and use eagle and porcupine quills and feathers. Some of them wear a kind of necklace of white beads, called *chickah*, three inches long and closely strung together around their necks.

They have only a few fowling pieces, being generally armed with bows and arrows, in which, however, they do not appear to be as expert as the more northern Indians. What struck us most was an institution peculiar to them, and to the Kito Indians farther to the westward, from whom it is said to have been copied. It is an association of the most active and brave young men, who are bound to each other by attachment, secured by a vow never to retreat before any danger, or give way to their enemies. In war they go forward without sheltering themselves behind trees, or aiding their natural valor by any artifice. This punctilious determination not to be turned from their course became heroic or ridiculous a short time since, when the Yanktons were crossing the Missouri on the ice. A hole lay immediately in their course which might easily have been avoided by going round. This the foremost of the band disdained to do, but went straight forward and was lost. The others would have followed his example, but were forcibly prevented by the rest of the tribe. These young men sit, and encamp, and dance together, distinct from the rest of the nation; they are generally about thirty or thirty-five years old; and such is the deference paid to courage that their seats in council are superior to those of the chiefs, and their persons more respected. But, as may be supposed, such indiscreet bravery will soon diminish the number of those who practice it, so that the band is now reduced to four warriors, who were among our visitors. These were the remains of twenty-two who composed their society not long ago; but in a battle with the Kito Indians of the Black Mountains eighteen of them were killed, and these four were dragged from the field by their companions.

While these Indians remained with us we made very minute inquiries in relation to their situation and numbers, and trade and manners. This we did very satisfactorily by means of two different interpreters, and from their accounts joined to our interviews with other bands of the same nation, and much intelligence acquired since, we were enabled to understand with some accuracy the condition of the Sioux, hitherto so little known.

The Sioux, or Dacota Indians, originally settled on the Mississippi, and called, by Carver, Madowesians, are now subdivided into tribes as follows:

First, the Yanktons. This tribe inhabits the Sioux, Des Moines and Jacques rivers, and numbers about two hundred warriors.

Second, the Tetons of the burnt woods. This tribe numbers about three hundred men, who rove on both sides of the Missouri, the White, and the Teton rivers.

Third, the Tetons Okaudaudas, a tribe consisting of about one hundred and fifty men, who inhabit both sides of the Missouri River below the Cheyenne River.

Fourth, Tetons Minna Kennozzo, a nation inhabiting both sides of the Missouri River, above the Cheyenne River, and containing about two hundred and fifty men.

Fifth, Tetons Saone. These inhabit both sides of the Missouri River below the Warre-conne River, and consist of about three hundred men.

Sixth, Yanktons of the Plains, or Big Devils, who rove on the heads of the Sioux, Jacques and Red rivers; the most numerous of all the tribes and number about five hundred men.

Seventh, Wahpatone, a nation residing on the St. Peter's, just above the mouth of that river, and numbering 200 men.

Eighth, Minda-war-carton, or proper Dacota or Sioux Indians. These possess the original seat of the Sioux and are properly so denominated. They rove on both sides of the Mississippi about the Falls of St. Anthony, and consist of 300 men.

Ninth, the Wahpakoota, or Leaf Beds. This nation inhabits both sides of the River St. Peter's below Yellowwood River, amounting to about one hundred and fifty men.

Tenth, Sistasoone. This nation numbers 200 men and reside at the head of the St. Peter's. Of these several tribes more particular notice will be taken hereafter.

A slight digression here seems to be necessary because of some divergent accounts regarding the place where this council was held.

The language of the Lewis and Clark journal regarding this camp is this: "At the distance of $8\frac{1}{2}$ miles (from the last camp $1\frac{1}{2}$ miles above the mouth of James River) is the beginning of Calumet Bluff, under which we formed our camp, on the south." This would bring the second camping place above the James ten miles from its mouth. The encampment near the mouth of the James was in section 19, town 93, range 54, as since surveyed. The next camp (estimated) was not far from the present township line dividing ranges 55 and 56 west, which is only a few feet west of Broadway, Yankton, and nearly opposite the old Village of Green Island, Nebraska, which was swept away in the flood of 1881. It is impossible to locate Calumet Bluff, or the beginning of it, at Green Island, or within any reasonable distance of that place. The insuperable difficulty is to make the natural conditions on the south side correspond with the description of the country on that shore as given by the editor of Lewis and Clark's journal, while no such difficulty exists with regard to the north side. The editor of the journal admits that there may be discrepancies between the original notes and his transcription. The notes had already passed through two

hands in preparation for publication. None of these transcribers or editors were members of the expedition party. Captain Lewis died five years before the journal was finally edited and ready for publication, and could not have revised the work of the editors.

The camp of the Yankton Indians was not far from the mouth of the James River, and the journal says the Indians had come twelve miles from their camp to the place of this grand council. The journal does not state on which side of the James the Yanktons had their camp, and this distance of twelve miles, owing to their being obliged to follow the bends of the river, would just about bring them to within a half mile of the foot of Broadway. We disdain any purpose to deny the integrity of the journal, but there is no way to harmonize its statement with regard to this council ground, assuming that the south side of the river was meant, unless we move the council ground to the north side, or remove Calumet Bluff from the north to the south side. Then, again, why should the Yankton Indians, a powerful representative of the great Dahkotchah nation, whose good will and friendship was so much desired by the Government, have been compelled to cross the great river to a country not their own to hold this council when they could offer superior camping facilities, with far less inconvenience, in their own country?

It may be asked why, if the camp was on the north side of the river, a boat was sent to transfer Sergeant Pryor across? The boat, however, is not mentioned when the Indians were sent for; but presuming that the camp had been formed under Calumet Bluff on the north side, and on the south side of the Calumet Bluff, which is a reasonable interpretation of the language, the camp would not have been easily accessible by land. There was no trail down the bluff in this vicinity. The journal says the river ran near the bluffs on both sides. It would seem that the Indians coming up from their camp on the James reached the high bank of the Missouri in the neighborhood of the foot of Locust Street, Yankton, where the camp down in the valley could be distinctly seen and the Indians could also be observed from the camp. It is not at all unlikely that the approach to the camp, along the Yankton shore, was beset with sand bars and water holes, and may have been entirely under water, and that Lewis and Clark had formed their camp with the purpose of taking advantage of the protection afforded by nature in these and other favorable surroundings. As the Indians could not descend the bluff and make their way to the camp along the shore, a boat was sent down to the first landing place for them. The locality of the camp might be regarded as of less importance but for the first council that was here held under the sanction of the Government and the protection of the flag. This was the first formal council held between the representatives of the United States and the native inhabitants of this territory, and the first occasion when the Stars and Stripes, our national emblem, was displayed as a token of sovereignty upon the soil of Dakota.

The Indians were fine specimens of physical manhood. The chiefs, and a number of his warriors, wore a suit of buckskin curiously wrought with beads of a variety of colors, while the head chief wore, in addition, a coronet of eagle's feathers continuing down the back almost to his feet.

Captain Lewis was particularly impressed with the frank demeanor and disingenuous manners of the savages, and he seems to have been greatly gratified at meeting with such courtesies as they, in their primitive etiquette, extended him and his crew. Their conical tepees were a subject of close investigation and greatly admired. These were made of dressed buffalo and elk skins, painted or stained white and crimson, presenting a most pleasing and fanciful appearance. Inside, the principal ones, were partially carpeted with robes and an occasional beaver and fox skin could be seen. Probably the Indians had desired to make their appearance and display of regal order, and were not exhibiting to the white people their ordinary domestic life or every day apparel, which, however, only serves to prove that they possessed a certain barbaric culture.

that we look for almost in vain amongst our American Indians after a century's intercourse with white people.

The council was the occasion for the distribution of many medals and presents to the chiefs and braves who were in attendance and they were given to understand that these gifts were from the Great Father at Washington, who, though he could not be present in person, was with them in these gifts and wished to assure them that the welfare of his Indian children was a matter in which he felt the warmest interest. Some of these Jeffersonian medals were in possession of the Yankton Indians more than a half century later.

The language of the Lewis and Clark journal in leaving Yankton September 1st betrays the error of presuming that their camp at Yankton had been on the south side. First, the journal of the 28th says they made their camp at the beginning of the Calumet Bluff on the south.

As no such bluff existed on that side a camp could not be made under it; but such a bluff did exist and still exists on the north side and extends for several miles up the river, and when the expedition left its Yankton Camp on Saturday, September 1st, the journal says: "We proceeded this morning and passed the Calumet bluffs. These are composed of a yellowish-red and brownish clay as hard as chalk which it much resembles, and are 170 to 180 feet high." This description could not have been given unless Mr. Lewis made a personal examination. These are the same Calumet bluffs or chalk rock bluffs that extend from Yankton to the Cement works, and under the beginning of these the expedition's journal states that they made their camp. There is nothing even remotely resembling them on the south side.

Mr. M. K. Armstrong, author of the history of Dakota published in 1866, was well informed in such matters, and had frequent occasion during his pioneer residence in Yankton, beginning in 1859, to converse with the old Yankton Indians then residing here, many of whom, including the chief, "Strike the Ree," remembered the occasion of Lewis and Clark's visit. A published statement made at the time by Mr. Armstrong regarding the location of Lewis and Clark's camps, says:

It is difficult to determine the exact locality of their encampment at that time, but from all the information that can be gained from their journal and other authentic sources, we are of the belief that it must have been at the Oak Point and Bluff on the premises of J. S. Frohn, adjoining the townsite. It could hardly have been at the Billido Bluffs, four miles above, or at Smooty Bear's camp, nine miles from here, for in descending the river in 1806 they encamped on a sandbar opposite Calumet Bluff, on the night of the 1st of September, and passed the mouth of James River at 8 o'clock next morning, having traveled by river about ten miles from the bluff.

It will be observed that the sojourn of the explorers at the Yankton Camp covered a period of four days, a longer time than was given to any other locality until the party went into winter quarters.

Monday, September 1, 1804. We proceeded this morning and passed the Calumet Bluffs, these are composed of a yellowish-red and brownish clay as hard as chalk, which it much resembles, and are 170 to 180 feet high. At this place the hills on each side come to the surface of the river, those on the south some higher than those on the north. Opposite the bluff is a large island (Ambrose Island) covered with timber, above which the high bluffs continued over the river on the north side called White Bear Cliff, an animal of that name being said to live in the holes in it, which are numerous and apparently deep. At six miles we passed a large bluff, which covered with a forest of cedars. We made fifteen miles to a bluff on the north side, at the lower point of a large island called Bon Homme or Good-hope Island.

The country on both sides has the same character of prairies, with no timber, with occasional bushes, and a few trees of elm and oak. Our hunters had killed an elk and a moose the night before on a grassy plain. The following day we went three miles to the lower point of a large island on the south side, and passed the head of Bon Homme Island, which is a grassy and well timbered. After this the wind became so violent that we kept the mouth of the river on the north side, under a high bluff of yellow clay about one hundred yards long for a night. Our hunters supplied us with four elk,

and we had grapes and plums on the banks; we also saw the beargrass and rue on the sides of the bluffs. At this place there are highlands on both sides of the river, which become more level at some distance back, and contain but few streams of water. On the southern bank, during this day, the grounds have not been so elevated. Captain Clark crossed the river to examine the remains of the fortification we had first passed. This interesting object is on the south side of the Missouri opposite the upper extremity of Bon Homme Island, and in a low, level plain, the hills being three miles from the river. It begins by a wall composed of earth, rising immediately from the bank of the river, and running in a direct course S. 76: W. ninety-six yards; the base of this wall or mound is seventy-five feet and its height about eight. It then diverges in a course S. 84: W. and continues at the same height and depth to the distance of fifty-three yards, the angle being formed by a sloping descent; at the junction of these two is the appearance of a hornwork of the same height with the first angle; the same wall then pursues a course at 69: W. for 300 yards; near its western extremity is an opening or gateway at right angles to the wall and projecting inwards; this gateway is defended by two nearly semi-circular walls placed before it, lower than the large walls, and from the gateway there seems to have been a covered way communicating with the interval between these two walls; westward of the gate the wall becomes much larger, being about one hundred and five feet at its base and twelve feet high; at the end of this high ground the wall extends for fifty-six yards on a course at 32: W.; it then turns to N. 32: W. for seventy-three yards; these two walls seem to have had a double or covered way; they are from 10 to 15 feet 8 inches in height, and from 75 to 150 feet in width at the base, the descent inwards being step, while outwards it forms a sort of glacis. At the distance of seventy-three yards the wall ends abruptly at a large hollow place much lower than the general level of the plain, and from which is some indication of a covered way to the water.

The space between them is occupied by several mounds scattered promiscuously through the gorge, in the center of which is a deep, round hole. From the extremity of the last wall, in a course N. 32: W. is a distance of ninety-six yards over the low ground, where the wall recommences and crosses the plain over in a course N. 81: W. for 1,830 yards to the bank of the Missouri. In this course its height is about eight feet, till it enters, at the distance of 533 yards, a deep circular pond of seventy-three yards diameter; after which it gradually lowers towards the river; it touches the river at a muddy bar, that bears every mark of being an encroachment of the water, for a considerable distance, and a little above the junction is a small circular redoubt.

Along the bank of the river and at 1,100 yards distance, in a straight line from this wall, is a second, about six feet high and of considerable width; it rises abruptly from the banks of the Missouri, at a point where the river bends, and goes straight forward, forming an acute angle with the last wall until it enters the river again not far from the mounds just described, towards which it is obviously tending. At the bend the Missouri is 500 yards wide; the ground at the opposite side highlands, or low hills on the bank; and where the river passes between this front and Bon Homme Island, all the distance from the bend, it is constantly washing the banks into the streams, a large sand bank being already taken from the shore near the wall. During the whole course of this wall or glacis, it is covered with trees, among which are many large cotton trees that are two to three feet in diameter. Immediately opposite the citadel, or the part most strongly fortified on Bon Homme Island, is a small work in a circular form, with a wall surrounding it about six feet in height. The young willows along the water joined to the general appearance of the two shores induce a belief that the bank of the island is encroaching, and the Missouri indemnifies itself by washing away the base of the fortification.

The citadel contains about twenty acres, but the parts between the long walls must embrace nearly five hundred acres. These are the first remains of the kind which we have had an opportunity of examining; but our French interpreter assures us that there are great numbers of them on the Platte, the Kansas, the Jacques, etc., and some of our party say that they observed two of these fortresses on the Petite Arc (Little Bow) Creek not far from its mouth; that the wall was about six feet high and the sides of the angles 100 yards in length.

This fortification, Lewis concluded, was the ruins of an ancient fort that had been constructed by a fairly intelligent people, who possessed considerable knowledge of the science of military architecture. Durion, the interpreter, who had spent his life with the Indians, was unable to enlighten the captain, but told him that a similar work would be found on the James River; but even the Sioux Indian tribe had no tradition that threw any light upon the matter. Directly across the channel on the island shore was found the disintegrating remains of what appeared to have been a citadel as ancient and probably a contemporary with the fort when constructed and undoubtedly designed for use in connection with the fortification in case of necessity. The citadel was or had been a circular structure, and outside and enclosing it was a stone wall six feet high in places.

[Note by Ed.] The traditional story of the Mandan people forces itself upon the mind in contemplating the description of these works and those at Fort Troupson, constructed apparently for the protection and defense of a partially civilized people against an enemy that was at any time liable to assail them. These Mandans had passed up the Missouri Valley long before,—how long is left to conjecture, but they had constructed and occupied a fortification above Fort Pierre, and had abandoned that, and Lewis found them hundreds of miles farther north. There is a mystery connected with them, which the present generation of Mandans nor that which existed when Captain Lewis met them, were able or willing to unravel. Many of them did not resemble other Indians except partially, while in many striking physical characteristics they are essentially non-Indian. Some had blue eyes, various shades of hair; the absence of high cheek bones, the almost fair complexion of many of them, the knowledge they still possessed of some of the primitive arts, including agriculture, all go to prove that they are a race of people developing into a higher civilization, or in the process of retroceding from a civilized and enlightened race to the barbaric state. It would seem that the latter theory would conform best with the little that is known of this remarkable people. They are the special aversion of the Dakotah Indians who have never omitted an opportunity to wreak their enmity upon them, and in explanation of the fortifications at Bonhomme it would appear to have been built for the purpose of protecting and defending a numerous body of civilized or semi-civilized people against a relentless and powerful enemy. The site had been selected intelligently for the purpose of a permanent abode, and no doubt was occupied and used as the home of a people who practiced agriculture, trapped, hunted, fished, always wary of their red skinned enemy who sometimes may have come in force to assail them, when lodged behind the battlements of their fort they could as successfully resist as the other could assault, and if the dire emergency ever arose when their fortifications were taken, their citadel across the narrow channel afforded a secure place of retreat and an almost absolute defensive structure against any arms their enemy was conversant with. The Mandans courted peace by isolating themselves from all other human beings. They were unlike any other Indian tribe and avoided any fellowship with their race. They had no desire to affiliate with other Indian tribes or other whites. They desired to be let alone, and pass unobserved except as their necessities required them to barter with the traders.

Now that we have indulged in some speculation concerning this strange band of nomadic people we ask the reader's attention to a brief review of the career of this remarkable tribe, and would direct attention to the result, after many centuries of trial, of the intermarriage of whites and Indians. The Mandans would seem to furnish a living illustration of the benefits accruing to the Indian nature by this intermarriage or miscegenation, with the better class of white people, and if the narrative is a true one it furnishes the most interesting evidences that truth is stranger than fiction. The Mandan Indians have been recognized as one of the oldest tribes in North America and their existence and career have been traced back for several centuries, when even before the Columbian era, they were a numerous and peaceful tribe inhabiting a portion of the South Atlantic coast. It is known that connected with them were a number of white men of superior intelligence and of strong religious inclinations. These were supposed to be Welshmen, who, under a leader known as Prince Madoc, visited this continent from Wales in the twelfth century. This party made one successful voyage and a second was undertaken, but no authentic information of the fate of the party was ever obtained, unless this tradition, which has the support of one, or perhaps two, early missionaries, should prove to be well founded. The tradition informs us that these white voyagers and explorers were shipwrecked near the coast peopled by the Mandans, probably Georgia as now known, and the survivors found shelter and subsistence from the Indians, with whom they continued to dwell, and realizing the hopelessness of rescue,

finally, and with devout sincerity, concluded to unite their destinies with these strange barbarous people, and with them spend the remainder of their days, taking Indian wives, and adopting Indian customs so far as necessary, and teaching the better customs, methods and religion of the whites to the Indians. This may have been 700 years ago, and somewhat in confirmation of this is the story that a Welsh ship, on a voyage of discovery was lost on the southern Atlantic coast near the close of the twelfth century. In any event these whites or their descendants were seen and conversed with later by missionaries and explorers, and through the medium of their language it was ascertained that these whites were of Welsh extraction. As time passed the Mandans, with all other aboriginal peoples, were crowded back from the coast by the aggressive and increasing forces of civilization, and as the Mandans would abandon a country where one or two generations had been born and lived and died, it would be discovered that they were not like the other Indian nations; that they possessed a knowledge of many arts not common to the children of the forest; that they had erected substantial log buildings for residences, and their cultivated fields were far in advance of any agricultural knowledge possessed and practiced by Indians generally, and occasional instances of the construction of substantial fortifications were encountered. The story goes that there was always a sort of reticence or backwardness on the part of the members of this tribe, when asked a question that concerned their history, as though they knew a tradition of a singular character concerning themselves, but which they did not fully believe and felt that those who pressed them to relate it would brand it as an invention pure and simple.

It is conjectured by some of the missionary writers that they fully realized a radical difference between their nation and other Indian nations, and even after the lapse of centuries their speech disclosed a foreign ingredient that they explained had been imparted by intercourse with a strange people in the remote past. The physiological characteristics of many of them denoted a blended organism. In its migrations west the tribe finally reached the Valley of the Missouri. They seem to have made a settlement at certain points where they have remained a half or a full century, perhaps longer, then would follow a removal and the founding of a new village or fort hundreds of miles away. We believe it was the Mandans who built and occupied the Bon Homme fortifications which excited so much interest in the mind of Captain Lewis, and that he would have found the colony there had his exploration occurred a century or two earlier. They had passed on long anterior to his time, had built and abandoned another century old home, near Fort Thompson, and were beyond the reach of civilization by a half century at least when he formed their acquaintance. In numbers they had become reduced to a fragment of a tribe, still possessing, however, traits of character, customs and an unIndian appearance that placed them in a class by themselves. They are a survival of the fittest, perhaps, of what can be produced by the union of the Anglo Saxon and native American under fairly favorable circumstances, and seem to demonstrate that no advantage has come to either race as a result of their long centuries of experiment.

George Catlin, a famous painter and authority on Indian traditions gathered by himself during years of patient labor among them, from 1850 up, while visiting with the Mandans, came to believe that they had descended from a company of Welsh explorers who landed on the shores of North America about two hundred years before the arrival of Columbus. Of the ten ships which left Northern Wales some time about 1290, in charge of Prince Modoc, no tidings were ever heard, but Catlin was of opinion that they planted a colony in the region of Ohio, coming inland from the southern shore or coast; and after his sojourn with them in their fortified village on the Upper Missouri he had no difficulty in tracing them back, and down the river, and up the Ohio to the immense fortifications of that country. Thus finding constant tracks of these ruins, he became convinced that the Indians, with whom he had passed so much

gates, were descended from those ancient builders. In some instances those forts had walls twenty and thirty feet high, with carefully covered passages leading to the water. Again the similarity can be traced in the Mandan canoe, which was an exact counterpart of the "coracle of the Welsh," made of buffalo hides stretched over a frame of willows, and fashioned as round as a tub. Catlin found the Mandans living in a massive stockade, with convenient portholes, on two sides of which their city was fortified by standing back upon the edge of precipices that struck down a rock ledge to the river's brink. Their lodges were circular in form, and from forty to sixty feet in diameter. The Mandans were good farmers and believed in diversity of crops; raising corn, squashes and pumpkins. Their cellars for storing their dried vegetables and corn in winter were dug six or seven feet deep, smaller at the top in a sort of jug like shape, and no matter how severe the winter nothing ever froze. Their homes were clean, comfortable and commodious. (Here is where the Welsh intermixture is revealed.) Many of the women were almost white, with gray, hazel or blue eyes; hair of every shade but auburn, which they delighted to spread out, its long folds reaching to their knees. Many of the Ohio specimens of pottery dug from those archaic fortifications were like the utensils used by the Mandans, who spent much time in moulding pitchers, vases, pots and cups; baking the clay in kilns built in the hill sides; and from those ingenious artisans the fur hunters used to get a beautiful and durable blue glass bead, of their own manufacture, but the process was never revealed by them to the whites.

There is a legend among them that their ancestors once lived under a great body of water that is far to the northeast; but that some of the people came out from their homes beneath the seas, and their glowing accounts led others to leave, also, for the outside country, although some were unable to climb out. From the time of leaving their homes under the deep waters, they wandered over the prairies, suffering much, but always delivered by their Good Angel, through some miraculous interposition, and in time they were led by messengers who went south, "to the fertile land of the buffalo and elk, and people who lived in houses and tilled the ground." But still they journeyed, and at length found themselves in the great valleys along the Missouri River; and there they dwelt and learned many arts. This legend certainly bears indications that give plausibility to the Welsh Colony theory.

Bryant, who was not friendly to the claim that a Welsh Colony had discovered America prior to Columbus, and had become miscegenated with the Mandans, makes mention of the tradition in his "Popular History of the United States," discussing the subject substantially as follows:

The tradition that America was discovered about the year 1170 by a Welsh prince named Madog or Madoc, is still more circumstantial (referring to a prior claim of the Arabs), and attempts to support it have been made from time to time for the last 200 years. Humboldt, in alluding to it, says:

It is not alone the scorn with which national traditions are too often treated, and am of the opinion that with more research, the discovery of facts entirely unknown would throw some light on some historical problems.

This tradition relating to Madoc and his voyage had no doubt some actual basis of fact. The evidence adduced from time to time in support of it has been believed worthy of serious and entertaining, the tradition itself has found a place in historical writings for one reason or each, and all these reasons, it demands brief consideration. It is evident that much of the narrative following was inspired by a desire to prove that the Welsh were entitled to just credit as the pioneers in the discovery of the American continent, and to supersede the claims of Columbus by two and possibly three centuries. But each writer should concern themselves with the Mandan story, although entertaining it as a historical problem.

The story was first related in Caradoc's "History of Wales," published by Dr. David Powell in 1695, and subsequently, however, came down only to 1157, and Humphrey Llwyd (1649-1729) has maintained that the later story of Madoc is a forgery. The story is briefly this: "When Owen Gwynedd, Prince of North Wales, was gathered to his fathers, a strife arose among his sons as to the inheritance. Madoc, one of the sons, took no part in the struggle, but gathered a fleet and went to sea in search of adventure. He

sailed westward and at length came to an unknown country where the natives differed from any people he had ever seen before, and all things were strangs and new. Seeing that the land was pleasant and fertile, he put on shore and left behind most of those in his ships, and returned to Wales. On his return he set forth the attractive qualities of the new land he had discovered with such good effect that enough of his countrymen to fill ten ships determined to go with him."

The number of these emigrants is not given, and it should be remembered that ships in that day were small affairs compared with modern vessels. Columbus 300 years later, in his first voyage, had three ships and but 120 men. Madoc probably took with him a number of families, intending to found a colony. There is no account of their ever returning to Wales, but it is said "they followed the manners of the land they came to, and used the language they found there."

Passing to the evidence since gathered, that a tribe of Indians, some of whom were of light complexion, and spoke a language differing from the Indian language in part, and resembling the Welsh tongue, who were found within the limits of the American Colonies in the seventeenth century, it is found that among the earliest testimony is a letter to Dr. Thomas Lloyd, of Pennsylvania, and by him transmitted to his brother, Mr. C. H. S. Lloyd, in Wales. The letter was written by Rev. Morgan Jones, a Welsh missionary, and was dated at New York, March 10th, 1685. The letter states that Mr. Jones was sent as chaplain of an expedition from Virginia to Port Royal, S. C., in 1660, where he remained some months; but suffering greatly for food, he and five others started to return to Virginia. On the way they were taken prisoners by a band of Indians and condemned to die. On hearing the sentence, Mr. Jones exclaimed, in the Welsh tongue: "Have I escaped so many dangers, and must I now be knocked on the head like a hog." Immediately he was seized around the waist by a war captain of the Doegs, and assured in the same language that he should not die. He was taken before the Tuscaroras chief with his companions and ransomed. Their deliverers took them to their own village where they were hospitably entertained. For four months Mr. Jones remained among them, conversing with and preaching to them in the Welsh language. The conclusion is that these Indians were descendants of the Welsh colonists under Madoc. Rev. Charles Beatty, a missionary traveling in the Southwest in 1776, met with people who had seen and conversed with these Welsh Indians. A Mr. Benjamin Slutton informed him that he had visited an Indian town west of the Mississippi, where people were not so tawny as other natives and whose language was the Welsh; these people also had a book which they cherished with great care, which Mr. Slutton stated was a Welsh Bible, probably in manuscript. A Mr. Levi Hicks, who had been among the Indians from a youth, told Mr. Beatty that he had visited such a town west of the Great River, where the language spoken was Welsh, and Mr. Beatty's interpreter, Joseph, had been with the natives of the same tribe, whom he was sure spoke the Welsh language, as he understood it partially himself.

In 1785 appeared a narrative that Capt. Isaac Stewart had been taken prisoner by the Indians with a Welshman named David, and they were carried several hundred miles up the Red River where they came to "a nation of Indians remarkably white, and whose hair was mostly of a reddish color." The Welshman found that these people could converse in Welsh. Their story or tradition was that their forefathers came from across the seas and landed on a coast east of the Mississippi, supposed to be Florida. These Indians possessed some rolls of parchment covered with writing in blue ink, which they kept wrapped up in skins with great care.

In a book entitled "An Inquiry Concerning the First Discovery of America by the Europeans," by Williams, it is stated that a Welshman, living on the banks of the Ohio River, in a letter dated October 1, 1778, declared that he had been several times among Indians who spoke the old British or Welsh language, and that a Virginia gentleman with whom he was acquainted, had visited a tribe

of Welsh Indians living on the Missouri River, 400 miles above its junction with the Mississippi.

The attention of the reader is called to the fact that the Mandan Indians were in the Missouri Valley at the time mentioned; and further, it should be borne in mind that these Welsh writers make no mention of this name as the tribe which spoke their language; the purpose of the Welsh historians being not to prove what nation these Indians belonged to, but to show that a colony of Welshmen had preceded Columbus to America, and were first discoverers of the new land.)

Further evidence, and the most modern, comes from the famous painter of Indians and Indian scenes, George Catlin, who in the first half of the last century, spent years visiting various tribes. He studied the Mandans particularly, and believed them to be a cross between the Indians and the Welsh, and is inclined to accept the theory that the Mandans are descendants of the Mound Builders, and that the builders of those works were people originating in Madoc's colony. Catlin speaks of the boat used by the Mandans in being like the coracle of the Welsh, and in complexion, in the color of their hair and eyes, they seem to be allied with the whites. Albert Gallatin, secretary of war under Jefferson, states that a chief of the Mandan tribe whom he met at Washington, was of a lighter shade of complexion than other red men, and that he was the only full-blooded Indian he had ever met with blue eyes.

Among the Zuns of New Mexico there are Indians of fair complexion, blue eyes and light hair. Among the New Mexicans is a tradition that long ago some Welsh miners wandered into that country with their wives and children, and that the Zuns killed the men and married the women.

Historians properly make a broad distinction between a tradition and an invention. The latter has no basis of truth whatever, while traditions as a rule have a substantial basis of truth, though often embellished by fancy or distorted and amplified in their repetition from generation to generation.

The theory that has gained some credence in more modern times, that this was not the decaying ruins of an old fort, but due to the natural causes produced by the river in periods of high water, is much more difficult to explain and believe, than the testimony of Captains Lewis and Clark, who were qualified by education and experience to form a sound judgment in a matter of this character. The natural action of the river would not build stone walls six feet high, with stone transported overland for some distance; nor does it lay the foundations for large fortifications with the skill and precision that was required in laying out this abandoned fortress. It is much more irrational, and difficult, to believe that this ruined fort was the result of natural causes, and so skilfully built as to decay, not only Lewis and Clark, experienced and educated military men, but the crew composed of men of ripe experience in the army, who accompanied them, than it is to accept the well grounded opinion of the explorers who came upon the ruins before they had been disturbed by the white pioneers of a half century later, whose opinion, formed after painstaking examination and measurement, pronounced them the ruins of an abandoned extensive fortress that had been constructed by a people who possessed considerable knowledge of the architecture of defensive works and who had built the fortress with the view of protection against powerful foes.

The testimony of the earliest settlers of Bon Homme, while lacking any evidence that they had made a careful examination of the ruins, but had frequently visited and inspected them, was in a general way corroborative of the theory or conclusions of Lewis and Clark.

CHAPTER IV

LEWIS AND CLARK EXPEDITION

(Continued)

DEPART FROM BON HOMME ISLAND—PRAIRIE DOG VILLAGE—FLANNEL SHIRTS DISTRIBUTED TO THE MEN—A SINKING SANDBAR—LOISEL'S FORT—TETON INDIANS—INDIANS NOT FRIENDLY, MAKE EFFORTS TO DETAIN EXPLORERS—PLAIN TALK FROM CAPTAIN CLARK—DOG FEAST—TETON CUSTOMS, APPAREL, NATIVE WOMEN—OFFICER OF THE DAY—AGAIN UNDER WAY AGAINST DETERMINED OPPOSITION.

The journal continues:

The next morning, passed at sunrise three large sandbars and at the distance of ten miles reached a small creek about twelve yards wide coming in from the north above a white bluff; this creek has obtained the name of Plum Creek (Snatch Creek) from the number of that fruit which are in the neighborhood and of delightful quality. Five miles farther we encamped on the south near the edge of a plain; the river is wide and covered with sandbars today. The banks are high and of a whitish color; the timber scarce, but an abundance of grapes. Beavers' houses, too, have been observed in great numbers on the river, but none of that animal themselves.

September 4th, at one mile and a half, we reached a small creek called White Lime Creek, on the south side. Just above this is a cliff covered with cedar trees, and at three miles a creek called White Paint Creek of about thirty yards wide; on the same side and at $4\frac{1}{2}$ miles from White Paint Creek, is the Rapid River, or as it is called by the French, La Riviere Qui Court (Niobrara). This river empties into the Missouri in a course S. W. by W., and is 152 yards wide and 4 feet deep at the confluence. It rises in the Black Mountains and passes through a hilly country with a poor soil. Captain Clark ascended three miles to a beautiful plain on the upper side where the Pawnees once had a village; he found that the river widened above its mouth, and was much divided by sands and islands, which, joined to the rapidity of its current, makes the navigation difficult even for small boats. We camped just above it on the south, having made only eight miles. We saw some deer, a number of geese, and shot a turkey and a duck. The place in which we halted is a fine low ground, with much timber, such as red cedar, honey-locust, oak, arrowwood, elm and coffeenut.

On Wednesday, the 5th, at five miles, we came to Pawnee Island in the middle of the river, and stopped to breakfast at a small creek on the north which has the name of Goat Creek (Choteau Creek) at 8 $\frac{1}{2}$ miles. Near the mouth of the creek the beaver had made a dam across so as to form a large pond, in which they built their houses. Above this island the River Poncara (Ponca Creek) falls into the Missouri from the south, and is thirty yards wide at its entrance. Two men whom we had dispatched to the village of the same name returned with the information that they had found it on the lower side of the creek, but as this is the hunting season the town was so completely deserted that they had killed a buffalo in the village itself. This tribe of Poncaras (Poncas), who are said to have once numbered 400 men, are now reduced to about fifty, and have associated for mutual protection with the Mahas (Omahas), who are 200 in number.

These two nations are allied by a similarity of misfortunes; their common enemies, the Sioux and the smallpox, drove them from their towns, which they only visit for purposes of trade. At $3\frac{1}{2}$ miles from the creek we came to a large island on the south, along which we passed and encamped on the head of it at 4 o'clock. Here we replaced our mast, some bucks and elk were procured today and a black-tailed deer seen near the Poncaras' village.

High wind and rapid current obliged us to use the towline the next day. We made but 8 $\frac{1}{2}$ miles and encamped on the north after passing high cliffs of soft blue and red-colored stone on the south. We saw some goats and great numbers of buffalo, and the hunters furnished us elk, deer, turkeys, geese, a beaver, and a large catfish was caught. The next day at 5 $\frac{1}{2}$ miles we reached and encamped at the foot of a round mountain on the south having passed two small islands. This mountain, which is about three hundred feet at the base, forms a cone at the top, resembling a dome at a distance, and seventy feet or more above

the high rising highlands. As we descended from this dome we arrived at a spot, on the north side of the hill, nearly four acres in extent and covered with small holes. These are the residence of a little animal called by the French petit chien (little dog), who sit erect on the ground and make a whistling noise, but when alarmed take refuge in their holes. When we were about to bring them out we poured into one of the holes five barrels of water without effect, but we dashed and caught the owner. After digging down another of the holes for six feet, we found, on running a pole into it, that we had not yet dug half way to the bottom, we discovered, however, two rings in the hole, and near it we killed a dark rattlesnake, which had swallowed a small prairie dog; we were also informed, though we never witnessed the fact, that a sort of lizard and a snake live habitually with these animals. The petit chien are justly named, as they resemble a small dog in some particulars, though they have also some points of similarity to the squirrel. The head resembles the squirrel in every respect, except that the ears are shorter, the tail like that of a ground squirrel, the toe-nails are black, the fur is fine and the long hair is gray. [This prairie dog town is a little above Fort Randall, on the opposite side of the river.]

On Sunday, the 9th, at seven miles, we reached a house on the north side, called the Prairie House, where a trader named Trudeau wintered in the year 1796-97; behind this, half a mile higher than usual, appear to the north about eight miles off. (Bijou Hills.) We came by three small islands before reaching this house, and a small creek on the south, and after having reached another at the end of seventeen miles, on which we camped and called it Boat Island. We here saw herds of buffalo, some elk, deer, turkeys, beaver, a squirrel and prairie dogs. We passed two small creeks on Sunday coming in from the north (Pratt Stone). Saw large herds of buffalo on the south, some of them numbering as many as 500. Encamped on the south at 14¼ miles.

On the 10th, at 10½ miles, we reached Cedar Island, two miles long and covered with red cedar. Just below this island on a hill to the south is the backbone of a fish, forty-five feet long, tapering toward the tail, in a perfect state of petrification, fragments of which were collected and sent to Washington. On both sides of the river are high, dark colored bluffs. About a mile and a half from the island on the southern shore we discovered a large and strong impregnated spring of water; and another not so large half way up the hill. Camped on Mud Island, elk and buffalo abundant.

The next day we passed a prairie dog village and a number of islands and camped on the south side at the distance of sixteen miles. In the morning we observed a man riding on horseback down towards the boat, and were much pleased to find it was George Shannon, who left us on the 20th of August to search for the horses which had strayed. After he had found them he attempted to rejoin us, but seeing some other tracks, which must have been of Indians, he mistook them for our own and concluded we were ahead, and had been for sixteen days following the bank of the river above us. During the first four days he exhausted his bullets and was then nearly starved, being obliged to subsist for twelve days on grapes and a rabbit which he killed by making use of a hard piece of stick for a ball. One of his horses gave out and was left behind, the other he kept as a last resource for food. Despairing of overtaking us he was venturing down the river in hopes of meeting some other boat and was on the point of killing his horse when he was so fortunate as to join us. All the following day, the 12th, the water was rapid and shallow and sandbars so numerous that the men were in the water much of the time. Encamped after traveling four miles. High, dark bluffs on the south containing a mixture of slate and coal. Sandbars were very numerous on Thursday; we made twelve miles. Hills on east side are high, separated from the river by a narrow plain. Great quantities of ripe grapes on the north and plenty unripe plums. We encamped on the north, opposite a small willow island; and the next day at two miles we reached a round island on the northern side; at 7½ miles a small creek, and at nine miles encamped near the mouth of a creek on the south. Sandbars numerous. Searched all day for an ancient volcano which we heard at St. Charles was somewhere in this neighborhood, but found nothing even remotely resembling it.

On Saturday, September 15th, we passed the creek near our last night's encampment (Heart Creek) and at two miles reached the mouth of White River coming from the south. We sent a scout and one man to examine it above its mouth. It has a bed of about three hundred yards in the mouth is a sand island and several sandbars. It differs from the Heart and Quicourt in throwing out comparatively little sand. The sergeant went up about twelve miles and found the general course west, the timber elm; they saw pine burrs and some fir and spruce down stream. Met buffalo, wolves, elk deer and barking squirrels. At the mouth of White with the Missouri is in excellent position for a town, the land rising in three gradual ascents, and the neighborhood furnishing more timber than is usual in this country. After passing high dark bluffs on both sides we reached the lower point at a distance of about the south at a distance of six miles. The island bears an abundance of grass and is covered with red cedar. (American Island at Chamberlain.) Encamped at eight miles on the north, opposite a large creek on the south, and early the following morning having reached a convenient spot on the south side at 1¼ miles distant, we encamped near a small creek which we called Cervus. Finding that we could not proceed on the sandbars as fast as we desired while the boat was so heavily loaded, we concluded to wait until we could find an anchor, we intended, our third periogue, but to detain the soldiers until spring, and in the meantime lighten the boat by loading the periogue, which detained

us all day. The cold season coming on, a flannel shirt was given to each man and fresh powder.

The following day we remained in camp. Some of the party were employed in examining the surrounding country. A quarter of a mile behind our camp a plain twenty feet high extends for three miles parallel to the river. About a mile back of this plain we found another rise, cut by ravines, in which we found an abundance of plums, finely flavored. Antelope and buffalo are numerous. We do not exaggerate in saying that we saw 3,000 of the latter at a single glance. Made seven miles on the 18th, passed an island a mile in length covered with cedar. Encamped on the south at seven miles. Game abundant.

September 19th we reached at three miles a bluff on the south and at four miles farther the lower point of Prospect Island, about $2\frac{1}{2}$ miles in length; opposite are high bluffs eighty feet above the water; beyond are beautiful plains rising as they recede from the river, and watered by three streams that empty near each other, and are called by the French *Les Trois Riviere des Sioux*, the Three Sioux Rivers, and as the Sioux generally cross the Missouri at this place, it is called the Sioux Pass of the Three Rivers. These streams have the same right of asylum as Pipestone Creek already mentioned. Two miles further we passed a creek fifteen yards wide; eight miles another twenty yards; three miles beyond a third eighteen yards wide, all on the south. The second we called Elm Creek and the third Night Creek, having reached it late at night. About a mile beyond this we reached a small island on the north side called Lower Island, as it is situated at the commencement of what is known by the name of Grand Detour or Great Bend of the Missouri. Opposite on the south is Prickly Pear Creek. We encamped on the south opposite the upper end of the island, having an excellent day's sailing of $26\frac{1}{4}$ miles. Large herds of buffalo, elk and goats were seen today.

On Thursday, September 20th, finding we had reached the Big Bend, we dispatched two men with our only horse across the neck to hunt there and wait our arrival at the first creek beyond. We then set out to make the circuit on the bend.

At $9\frac{1}{2}$ miles is a sand island; about ten miles beyond a small island with a creek on the north. This is called Solitary Island, being at the extremity of the bend. Eleven miles farther we encamped on a sandbar, having made $27\frac{1}{2}$ miles. Great numbers of buffalo, elk and goats are wandering over these plains. The goats have no beard, are delicately formed and very beautiful. The next morning, between 1 and 2 o'clock, the sergeant on guard alarmed us by crying that the sandbar on which we lay was sinking. We jumped up and found that above and below our camp the sand was undermined and falling in very fast. We had scarcely got into the boats and pushed off when the bank under which they had been lying caved in and would certainly have sunk the two periogues had they remained there. By the time we had reached the opposite shore the ground of our encampment sunk also.

We formed a second camp and at daylight proceeded on to the gorge or throat of the Great Bend and breakfasted. A man whom we had dispatched to step off the distance across the bend found it 200 yards; the distance around is thirty miles. After breakfast we passed through a high prairie on the north and rich cedar lowland and bluff on the south till we reached a willow island below the mouth of a small creek. This creek is called Tyler's River, comes in from the south, and is six miles from the Great Bend. At $11\frac{1}{2}$ miles we encamped on the north at the lower point of an ancient island that is now covered with cottonwood. We here saw some tracks of Indians, but three or four weeks old. This day was warm. The next day our course was through inclined prairies crowded with buffalo. We halted near a high bluff on the south and took a meridian altitude which gave us the latitude of $44^{\circ} 11' 33''$. We then reached a small island on the south at $4\frac{1}{2}$ miles; immediately above is another island opposite a small creek fifteen yards wide. The creek and two islands are called the Three Sisters. Next is an island on the north called Cedar Island, about $1\frac{1}{2}$ miles long and the same distance broad, and derives its name from its timber. On the south side of Cedar Island is a fort built by a Mr. Loisel, who wintered here last year to trade with the Sioux, the remains of whose camps are in great numbers about this place. At sixteen miles we came to on the north at the mouth of a small creek. Large stones made navigation dangerous, and the mosquitoes are numerous. We passed Goat Island, the twenty third, above which is Smoke Creek, as we observed a great smoke to the southwest in approaching it. At ten miles we passed what we called Elk Island, $2\frac{1}{2}$ miles long and $\frac{3}{4}$ of a mile covered with cottonwood, red currant and grapes. A small creek on the north we called Reuben's Creek, as Reuben Fields, one of our men, was the first who reached it. Above this we encamped for the night at twenty miles distance. In the evening three Sioux boys swam across the river and informed us that two parties of Sioux were encamped on the next river, one consisting of eighty and the other sixty lodges, some distance above. After treating them kindly we sent them back with two carrots of tobacco to their chiefs, whom we invited to a conference in the morning.

On Monday, September 24th, we passed Highwater Creek a little above our encampment. At five miles we reached an island $2\frac{1}{2}$ miles long. Here we were joined by one of our hunters, who, while in pursuit of game, the Indians had stolen his horse, our only one. We soon overtook five Indians on shore. We anchored and told them we were friends and wished to continue so, but were not afraid of any Indians. That some of their young men had stolen the horse which the Great Father had sent for a present to their great chief and that we could not treat with them until it was restored. They said they knew nothing about

the horse had been taken it should be given up. At 11 $\frac{1}{2}$ miles we passed what we called Mam-red Island, about 1 $\frac{1}{2}$ miles long, abounding in elk. At 13 $\frac{1}{2}$ miles we arrived at the mouth of a river in the south and encamped, being joined by the Indians. Two-thirds of the party remained on board, the rest took one pirogue and went to the creek. The five Indians followed us and stayed with the shore guard. One of them, a chief we smoked with him and gave him a present of tobacco. As the tribe of Indians which inhabit this river are called Teton we gave it the name of Teton River (Red River).

September 25th was a fine morning. We raised a flag staff and an awning, under which we assembled at 12 o'clock with all the party parading under arms. The chiefs and warriors from their camp two miles above met us, about fifty or sixty in number, and after smoking we delivered them a speech, but as our Sioux interpreter, Mr. Durion, had been left with the Yanktons, we were obliged to make use of a Frenchman as an interpreter, who could not speak fluently, and we, therefore, curtailed our harangue. We then acknowledged the chiefs by giving to the grand chief a medal, a flag of the United States, a laced uniform coat, a cocked hat and feather, to two other chiefs, a medal and some small presents, and to two warriors of consideration, certificates. The name of the great chief is Untorgasatan, or Black Buffalo, the second, Fortahonga, the Partisan; the third, Fartongawaka, or Buffalo Medicine, the name of his warriors, Wanginggo, the other Matocoequepa or Second Bear. We then took them on board, showed them the boat, the air gun and other curiosities, in which we succeeded too well, for after giving them a quarter of a glass of whiskey, which they seemed to like very much and sucked the bottle, it was with much difficulty we could get rid of them. They at last accompanied Captain Clark on shore in a pirogue with five men; but it seems they had formed a design to stop us, for no sooner had the party landed than three of the Indians seized the cable of the pirogue and one of the soldiers of the chief put his arms around the mast; the second chief, who feigned intoxication, then said we should not go on, that they had not received presents enough. Captain Clark told him we would not be prevented from going on; that we were not squaws but warriors; that we were sent by our Great Father who could in a moment exterminate them.

The chief replied that he, too, had warriors, and was proceeding to offer personal violence to Captain Clark, who immediately drew his sword and made a signal to the boat to prepare for action. The Indians, who surrounded him, drew the arrows from their quivers and bent their bows when the swivel in the boat was pointed towards them, and twelve of our most determined men jumped into the pirogue and joined Captain Clark. This movement made an impression on them, for the grand chief ordered the young men away from the pirogue and they withdrew and held a short council with the warriors. Being unwilling to irritate them, Captain Clark then went forward and offered his hand to the first and second chiefs, who refused to take it. He then turned from them and got into the pirogue, but had not gone more than ten paces when both chiefs and two of the warriors waded in after him and he brought them on board. We then went on for a mile and anchored off a willow island, which, from the circumstances just related, we call Badhumored Island, where we spent the night. Our conduct seemed to have inspired the Indians with fear of us and as we were desirous of cultivating their acquaintance we complied with their wish that we should give them an opportunity of treating us well, and also suffer their squaws and children to see us and our boat, which would be perfectly new to them. Accordingly, after a run of eleven miles, we came to on the south side, where a crowd of men, women and children were waiting to receive us. Captain Lewis went on shore and remained several hours, and observed that their disposition was friendly we resolved to remain during the night where they were preparing for us. Captains Lewis and Clark, who went on shore after the other, were met on landing by ten well dressed young men, who took them to a house built of earth and carried them to a large council house, where they were placed on a dressed buffalo skin by the side of the grand chief. The hall or council room was built in the form of a circle, covered at the top and sides with dressed buffalo skins and raised ten feet. Under this shelter sat about seventy men forming a circle, and in the center where men were placed a Spanish flag and the one we had brought with us. In the center of the hall a great circle of about six feet in diameter in which the men were seated on the ground, and in the center about four hundred pounds of excellent buffalo meat

was placed. An old man got up, and after approving what we had done, delivered a speech to the assembly. To this we replied with assurance of friendship and good will, and delivered a harangue to the same effect. The old man then took some of the most delicate parts of the dog which we had brought with us, and held it to the fire, and when it was roasted, he held it up to the heavens, then to the four quarters of the globe, and then to the people, held the pipe and presented it to us. We then smoked the pipe of peace. It consisted of the dog which they had brought with them, and which we had named the Sioux and used on all festivals. To this were added some of the most delicate of buffalo meat dried or smoked and then pounded and mixed with the fat of the dog, which we found good, but we could as well eat fat as we could eat the dog. We ate and smoked for an hour when it became

dark; everything was then cleared away for the dance, a large fire being made in the center of the house, giving light and warmth to the ballroom. The orchestra was composed of about ten men who played upon a sort of tambourine formed of skin stretched across a hoop and made a jungling noise with a long stick to which the hoofs of deer and goats were hung; the third instrument was a small skin bag with pebbles in it; these, with five or six young men for the vocal part, made up the band. The women then came forward highly decorated, some with poles in their hands in which were hung the scalps of their enemies; others with guns, spears or different trophies taken in war by their husband, brothers or connections.

Having arranged themselves in two columns, one on each side of the fire, as soon as the music began they danced toward each other till they met in the center, where the rattles were shaken and they all shouted and returned back to their places. They have no step, but shuffle along the ground; nor does the music appear to be anything more than a confusion of noises, distinguished only by hard or gentle blows on the buffalo skins. The song is perfectly extemporaneous. In the pauses of the dance any man of the company comes forward and recites, in a sort of a low, guttural tone, some story or incident, which is either martial or ludicrous, or, as was the case this evening, voluptuous and indecent. This is taken up by the orchestra and dancers in a higher strain, who dance to it. The dances of the men are conducted very nearly the same way and are always separate from the dances of the women. The harmony of this entertainment had nearly been disturbed by one of the musicians, who, thinking he had not received a due share of the tobacco we had distributed, put himself in a passion, broke one of the drums, threw two of them into the fire and left the band. They were taken out of the fire, and a buffalo robe held in one hand and beaten with the other by several of the company supplied the place of the lost tambourine, and no notice was taken of the offensive conduct of the man. We stayed until 12 o'clock at night, then told the chiefs they would be fatigued with their efforts to amuse us and retired accompanied by four chiefs, two of whom spent the night with us aboard.

This tribe is a part of the great Sioux nation called Teton Kandandas and number about two hundred men. They inhabit both sides of the Missouri between the Teton (Bad) River and the Cheyenne. Their persons are ugly, ill made, their legs and arms being too small, cheek bone high, eyes projecting. The females, with the same character of form, are more handsome, and both sexes appear cheerful and sprightly, but we found them cunning and vicious. The men shave the hair off their heads, except a small tuft on the top which they suffer to grow and wear in plaits over their shoulder; to this they are much attached, as the loss of it is the usual sacrifice at the death of near relations.

In full dress the men wear a hawk's feather or calumet feather worked with porcupine quills and fastened to the top of the head. The face and body are generally painted with a mixture of grease and coal. Over the shoulders is a loose robe of buffalo skins dressed white, adorned with porcupine quills loosely fixed so as to make a jungling noise when in motion and painted in uncouth figures not intelligible to us but to them emblematical of military exploits or any other incident. The hair of the robe is worn next the skin in fair weather, but when it rains the hair is put outside. Under this in winter they wear a kind of shirt resembling ours made of skin or cloth and covering the arms and body. Round the middle is fixed a girdle of cloth or procured dressed elk skin about an inch in width and closely tied to the body. To this is attached a piece of cloth, a blanket or skin, about a foot wide which passes between the legs and is tucked under the girdle both before and behind. From the hip to the ankle he is covered with leggings of dressed antelope skins with seams at the sides two inches in width and ornamented by little tufts of hair, the produce of the scalps they have made in war, which are scattered down the legs. The winter moccasins are of dressed buffalo skin, the hair being worn inwards and soled with thick elk parchment. Summer moccasins are of elk skin without the hair. On great occasions the young men drag after them the entire skin of a pole cat fixed to the heel of the moccasins. Another skin of the same animal is tucked in the girdle and serves as a pouch for their tobacco or what the French traders call the *bois roule* (killikanick); this is the inner bark of a species of red willow which, being dried in the sun or over the fire, is rubbed between the hands and broken into small pieces, and is used alone or mixed with tobacco. The pipe is of red earth, the stem made of ash, about three feet long, and decorated with feathers, hair and porcupine quills. The hair of the women is suffered to grow long and is parted from the forehead across the head, at the back of which it is either collected into a kind of braid or hangs down over the shoulders. Their moccasins and leggings are like those of the men except the latter reach only to the knee, where it is met by a long, loose shift of skin which reaches to the ankles and is fastened over the shoulders by a string, and has no sleeves, but a few pieces of the skin hang a short distance down the arm. The women are fond of dress. Their lodges are in the same form as those of the Yanktons. They consist of about an hundred cabins made of white buffalo hide dressed, with a large area in the center for holding council and dances. They are built round with poles about fifteen or twenty feet high covered with white skins. These lodges may be taken to pieces, packed up and carried with the nation from place to place by dogs, who bear great burdens.

The women are chiefly employed in dressing buffalo skins; they seem perfectly well disposed, but are addicted to stealing anything which they can take without being detected. While on shore we witnessed a quarrel between two squaws which appeared to be a more boisterous when a man came forward, at whose appearance everyone seemed terrified

the squaws and without any ceremony whipped them severely. On inquiry into the nature of such summary justice we learned that this man was an officer well known to all the Indians and that his duty is to keep the peace and the whole interior of the village is committed to two or three of these officers, who are named by the chief and remain in power some days, at least until the chief appoints a successor. They seem to be a sort of constable or sentinel, and they are always on the watch to keep tranquility during the day and guarding the camp at night. The short duration of their office is compensated by its authority; his power is supreme and in the suppression of any riot or disturbance no resistance to him is suffered; his person is sacred, and if in the execution of his duty he strikes a chief of the second class he cannot be punished. In general, they accompany the person of the chief, and when ordered to do any duty, however dangerous, it is a point of honor rather to die than to refuse obedience.

When we attempted to stop us yesterday the chief ordered one of these men to take possession of the boat; he immediately put his arms around the mast and no force except the command of his chief could induce him to release his hold.

On Thursday morning we rose early. The two chiefs took off, as a matter of course, and according to their custom, the blanket on which they slept. Captain Lewis went on shore to see a part of the nation that was expected but did not come. He returned with four chiefs, who remained half an hour and left with reluctance, Captain Clark accompanying them to the lodge of the grand chief, where a dance was given. He returned to the boat at 12 o'clock, taking the second chief and leading a warrior aboard. As we came near the boat the man who steered the pirogue brought her broadside against the boat's cable and broke it. We called up all hands to the oars, but our voice alarmed the two Indians; they called out to their companions, who immediately crowded to the shore, but soon returned leaving sixty men near us. The alarm given by the chiefs was said to be that the Mahas had attacked us and they were desirous of assisting us to repel it; but we suspected that they were afraid we meant to set sail and they intended to prevent us from doing so, for in the night the Maha prisoner had told one of our men that we were to be stopped. We, therefore, without giving any intimation of our suspicion, prepared everything for an attack. We were not mistaken in these opinions, for the next morning, September 28th, after failing to find our anchor, it was with great difficulty that we could make the chiefs leave the boat. At length we got rid of all except the great chief, when, just as we were setting out, several of the great chief's soldiers sat on the rope which held the boat to the shore. Irritated at this we got everything ready to fire on them if they persisted, but the great chief said that these were his soldiers and only wanted some tobacco. We threw him a carrot of tobacco and said to him, "You have told us you were a great man and have influence, now show your influence by taking the rope from these men, and we will then go without any further trouble."

This had the desired effect, as it appealed to his pride; he went out and gave the soldiers the tobacco, and, pulling the rope from their hands, delivered it on board, and we then sailed. A short distance up stream we observed the third chief beckoning to us; we stopped, took him aboard and he told us the rope was held by order of the second chief, who was a double faced man. On his return to the nation we sent a speech to the great chief, telling him to make peace with his enemies, and if he persisted in attempting to stop us we were able to defend ourselves. We encamped on a sandbar at six miles above our starting point and early on the 29th set out with fair weather. The Indians followed us and the second chief asked us to take two women to the next station above, which we refused, but gave him a present of tobacco. They followed us along the shore. At 7½ miles we passed a small creek on the south which we called Notimber Creek on account of its bare appearance. We made eleven miles and encamped on the lower part of a willow island, using large stones for an anchor. The next morning the wind was strong and it rained. The country on the north was low prairie covered with timber; on the south, first high, barren hills, then similar to the prairie on the north. We had not gone far when an Indian ran after us and begged to be taken aboard and carried as far as the Ricaras, which we refused. Soon after we anchored on the hills at a distance great numbers of Indians, who came to the river and encamped ahead of us. We anchored a hundred yards from the shore, and, discovering they were Tetons belonging to the band we had just left, we took them by the hand and gave them a present of tobacco; that we had been badly treated by some of the Ricaras and they had waited for them two days below we could not stop here, but referred them to Mr. Durion for our talk and an explanation of our views. They apologized for what had passed, assured us they were friendly and asked us to eat with them, which we refused, but sent the prisoner ashore with the tobacco, which was delivered to one of the chiefs of the band whom we had aboard.

The next morning we started later at the narrow escape of the boat from upsetting and when we landed we found we had lost our gun and went ashore, telling us we would be paid for it. We gave him a blanket, knife and some tobacco and he disappeared. We found a sandbar near the north, having come 20½ miles.

CHAPTER V

LEWIS AND CLARK EXPEDITION

(Concluded)

CHEYENNE RIVER; HOW NAMED—MEET A WHITE TRADER—THE BLACK MOUNTAINS—CHEYENNE INDIANS—FRENCHMAN TAKES PASSAGE—AN ARICKARA VILLAGE—MR. GRAVELINES—THE NEGRO, YORK, ATTRACTS ADMIRATION—INDIANS DO NOT WHIP CHILDREN—CAPTURING GOATS—INDIANS NUMEROUS—ENTER MANDAN COUNTRY—MR. M'CRACKEN—THE MINATAREES—SEARCH FOR WINTER QUARTERS—A PRAIRIE FIRE, AND AN INDIAN MOTHER'S PRESENCE OF MIND—WINTER CAMP LOCATED—FORT MANDAN—WINTER EMPLOYMENTS, PASTIMES, VISITORS—LEWIS AND CLARK'S CAMPS.

October 1st was cold and windy. At three miles we passed a large island in the middle of the river and two miles beyond a river coming from the southwest about four hundred yards wide, but discharging very little water. It takes its rise in the second range of the Cote Noire, or Black Mountains. It is occasionally called Dog River under a mistaken opinion that its French name was Chien, but its true appellation is Cheyenne and it derives this title from the Cheyenne Indians who lived on the Cheyenne, a branch of the Red River of Lake Winnipeg. The invasion of the Sioux drove them westward; in their progress they halted on the southern side of the Missouri, below the Warrecome, where their ancient fortifications still exist; the same impulses drove them to the heads of the Cheyenne where they now rove, and occasionally visit the Ricaras. They number 300 men. This part of the river has but little timber, the lands are rich. As we proceeded we passed two creeks on the south which are named Sentinel Creek and Lookout Creek. At a distance of sixteen miles we camped on a sandbar. On the opposite shore we saw a house among the willows and a boy to whom we called and brought him on board. He was a young Frenchman in the employ of Mr. Valle, a trader, who was here pursuing his commerce with the Sioux. October 2d Mr. Valle visited us in the morning and sailed with us for two miles. He is one of three French traders who are awaiting the Sioux, who are coming down from the Ricaras to trade. Mr. Valle passed the last winter 300 leagues up the Cheyenne under the Black Mountains. That river he represented as very rapid, liable to sudden swells, the bed and shores formed of coarse gravel and difficult of ascent even by canvas. One hundred leagues from its mouth it divides into two branches, one coming from the north and the other at forty leagues from its junction enters the Black Mountains.

The Cheyennes reside chiefly on the head of the river and steal horses from the Spanish settlements, a plundering excursion which they performed in a month's time. The Black Mountains, Valle represents as very high, covered with great quantities of pine and in some parts the snow remains during the summer. Its animals are goats, white bear, prairie cocks, and a species of animal resembling a small elk with large circular horns. We took a meridian altitude a short distance from Lookout Bend and found the latitude to be $44^{\circ} 19' 36''$. This bend is twenty miles around and two miles across. In the afternoon we heard a shot fired and observed some Indians on a hill. One of them came to the shore and wished us to land, as there were twenty lodges of Yanktons, or Boisbrules, there. We declined, referring them to Mr. Durion. We passed a long island on the north and encamped on a sandbar in the middle of the river, having made twelve miles. We were not able to hunt today. There are so many Indians in the neighborhood we were in constant expectation of being attacked and therefore forced to keep the party together. October 3d, at noon, we landed on a bar to examine our boats and found the mice had been eating the bags of corn and spoiled some of our clothes. At eight miles we encamped on a sandbar and at daylight the next morning started to retrace our sailing three miles, having got into the wrong side of the river, where there was no practicable outlet. The Indians were seen in small numbers. They wanted us to land and seemed willing, had they been more numerous, to molest us. One of them gave three yells and fired a ball ahead of the boat. We took no notice of it and landed for breakfast on the south. An Indian swam across and begged for powder. We gave him only tobacco. We made twelve miles and camped on a bar. A white frost fell and the next

HISTORY OF DAKOTA TERRITORY

October 6th, the weather was very cold. Passed a large creek from the south, which we named Otter Creek, from seeing several white brants among flocks of colored ones. Camped at a point at a distance of twenty miles. Our game was a deer, prairie wolf and some other. The 6th was a cold morning. At eight miles we came to a willow island on the north, opposite a point of timber, where there were many large stones near the middle of the river which seemed to have been washed from the hills and high plains on both sides or thrown from a distance down the stream. At twelve miles we halted for dinner at a village which we supposed to have belonged to the Ricaras. It is situated in a low plain on the river and consists of eighty lodges in an octagonal form, neatly covered with earth, placed as closely together as possible and picketed round. The skin canoes, mats, buckets and articles of furniture found in the lodges induce us to suppose it had been left in the spring. We found three varieties of squashes growing in the village and killed an elk and saw two wolves. At 14 miles we topped for the night at Otter Creek on the north. Geese, ducks, etc., are abundant.

Sunday, October 7, 1804, was cold and rainy. At two miles we came to the mouth of a river called Sawawana or Park River (Moreau). Its sources are in the first range of the Black Mountains. Shortly after we saw two Teton Indians, who asked us for something to eat, which we gave them. They were going to visit the Ricaras. At eighteen miles we passed Growse Island, where there is an old village. We camped at twenty-two miles. Saw tracks of white and red deer near the River. Next day, the 8th, we halted on the south and took the middle of the river, which is 48° 30' S" north latitude. Here we came to a river on the south called the Ricaras Weetsee pas (Grand River). It rises in the Black Mountains and is 120 yards wide. Two miles above is a small river called Maropa. A mile from the Maropa a number of Ricara Indians came out to see us. We took a Frenchman on board, who accompanied us to camp on the north after sailing twelve miles. Captain Lewis with four of the party visited the Ricara village, which was situated near the center of an island near the southern shore, and contained fifty lodges. The island is three miles long and covered with fields in which the Indians raise corn, beans and potatoes. Several Frenchmen are living with them and particularly a Mr. Gravelines, who had acquired their language, and who returned with Captain Lewis to the boats. On the 9th the wind was so high and cold we could not assemble the Indians in council. We received visits from some of the chiefs and gave them presents. Their names were Kakawissana, or Lighting Crow; Pocasse, or Hay; Pishato, Eagle's Feather. Notwithstanding the high waves two or three squaws rowed to us in little canoes made of a single buffalo skin stretched over a frame of boughs interwoven like a basket. The object which appeared to astonish the Indians was Captain Clark's negro servant, York, a remarkably stout, strong negro. They had never seen a being of that color and therefore flocked around him to examine the extraordinary monster. He told them, by way of amusement, he had once been a wild animal, and caught and trained by his master. He showed them feats of strength that made him more terrible than we wished. The 10th of October was a fine day, and after breakfast we dispatched Mr. Gravelines and Mr. Tabeau, two French traders, to invite the chiefs of the Ricaras to a conference. They assembled at 1 o'clock and after the usual ceremonies we addressed them as we had the Sioux, after which we made them the customary presents. The Ricaras would accept no whiskey nor tobacco, the example of the traders who bring it to them having disgusted them. One of the chiefs remarked that he was surprised their father would present them a liquor which would make them fools. The council being over the chiefs retired to consult on their answer, and the next morning, the 11th, we again met in council at our camp. The grand chief made a short speech of thanks for the advice we had given and promised to follow it, adding that the door was now open and no one dared to shut it, and that we might depart whenever we pleased, alluding to the treatment we had received from the Sioux. They brought us corn, beans and dried squashes, and we gave them a steel mill which pleased them very much. We spent the day with these Indians and the following day counceled with the chief and warriors of the second village, who requested us to take one of their chiefs up to the Mandans and negotiate a peace between the two nations. We then repaired to the third village, where similar ceremonies were had. We explained the magnitude and power of the United States and three chiefs accompanied us aboard the boat, to whom we gave presents of kettles and iron glass. Two of them then left us and the third, Ahketahnasha, accompanied us to the Mandans. We then left these Indians, who were to take leave of us, and after 7½ miles landed on the north side and camped. These Ricaras were originally colonies of the Pawnees and lived below the Mandans but had been depressed by the Sioux until they emigrated to the Mandans in 1797, but a new war ensued between them and the Mandans, and they came down the river to their present location. (Very near the boundary line between North and South Dakota.) These Indians eat corn, beans, pumpkins, watermelons, squashes and a species of tobacco called tobacco. Their commerce is chiefly with the traders, who supply them with articles of clothing, the others which they procure not from their own hunting but in exchange for more than their less civilized neighbors. They express a disposition to keep their arms and all things, but they are well armed with fuses and being much under the influence of the Sioux who enhanced the goods they got from the British for Ricaras and Mandans, they sometimes poisoned and they cannot be depended upon. Mr. Gravelines told us that the Mandan or Jacques River rises about forty miles northeast of this place. The party left us in the morning of the 13th except the chief, his brother and one

squaw. We made eighteen miles and encamped on the north near a timbered lone plain. On Sunday, the 14th, we set out in a rain. At five miles we came to a crest on the south which we named Piahato, or Eagle's Feather, in honor of the third chief of the Ricaras. After dinner we stopped on a sandbar and executed the sentence of a court-martial which inflicted corporal punishment on one of the soldiers. This operation affected the Indian chief very sensibly, for he cried aloud during the punishment. We explained the offense and the reason for it. He acknowledged that examples were necessary, and that he himself had given them by punishing with death, but his nation never whipped even children from their birth.

We encamped in a cove on the south, having made twelve miles. On the 15th met a number of Ricara encampments, halted and exchanged presents at different camps. Made ten miles and encamped near the Indians on the north. The squaws left us at this camp. The next morning at seven miles a river came in from the north named Warreconne, or Elk Shed Their Horns. An island here is called Carp Island by Evans, a former trader. As we proceeded there were great numbers of goats on the banks of the river; and we soon after saw large flocks of them in the water; they had gradually been driven into the river by the Indians, who now lined the shore to prevent their escape and were now firing on them, while sometimes boys went into the river and killed them with sticks. We counted fifty-eight which they had killed. We also killed some, then passing the Indians encamped at 14½ miles on the south. The Indians flocked into our camp, made a feast, and we had music and merriment until quite late. On the 17th the wind was strong; we made six miles and stopped to hunt goats. Mr. Gravelines, explaining the abundance of these animals, says they migrate in the spring to the plains east of the Missouri, returning to their haunts in the Black Mountains in the fall. Our latitude today was 46° 23' 57". The next day after sailing three miles we reached the mouth of Cannon Ball River. Its name is derived from the round large stones in the river and in the bluffs above. Its channel is 140 yards wide and it comes in from the south, rising in the Black Mountains. October 18th we made thirteen miles and encamped on a sandbar. Goats, buffalo and elk are seen in great number.

Friday, the 19th. Fine morning. Set sail with southeast wind. The creeks running into the Missouri are all impregnated with salts. In walking along the shore we counted fifty-two herds of buffalo in a single view. Encamped at 17½ miles on the north, opposite to the uppermost of a number of round hills. The chief says the Calumet bird lives in the holes in these hills. On a point of a hill ninety feet above the plain are the remains of an old village; this, our chief tells us, is the remains of an old Mandan village and are the first ruins we have seen of that nation since ascending the Missouri.

The 20th made twelve miles and encamped on the south near a vein of stone coal of inferior quality. Passed the ruins of another Mandan village covering six or eight acres, and great numbers of buffalo and elk; we also wounded a white bear and saw some fresh tracks of those animals which are twice as large as the track of a man. On the 21st, Sunday, it began to snow at daylight and continued till afternoon. We set out early, and soon passed a large lone oak tree about two miles from the river on the north which the Indians hold in great veneration because it has withstood the prairie fires while all the other trees have been destroyed. The Indians ascribe it to extraordinary powers. One of their ceremonies is to make a hole in the skin of their necks, pass a string through it and fasten one end by a knot, the other end is tied to the body of the tree. After remaining so attached for some time they think they become braver. Another Mandan village was passed the following day early, and at 7 o'clock we came to a camp of eleven Teton Sioux, who are almost perfectly naked, having only a piece of skin or cloth around the middle, while we are suffering with cold. They are a war party, going to or returning from the Mandan country. We passed two Mandan villages today and encamped at twelve miles on the south. Beaver are abundant. There are nine of these deserted Mandan villages in a span of twenty miles on either side of the river. The 23rd made thirteen miles to encamp on the south.

Wednesday, October 24th, at four miles, found one of the grand chiefs of the Mandans with five lodges of his people on an island to the north on a hunting excursion. He met his enemy, the Ricara chief, with great ceremony and smoked with him. The grand chief and his brother came on board our boat for a time. We proceeded and camped on the north at seven miles and below the old village of the Mandans. Here four Mandans came down and our Ricara chief returned with them, from which we augur favorably of their pacific views. The 25th was cold. Passed several deserted villages of both Mandans and Ricaras. The river seemed filled with obstructions. Saw Mandan Indians on the banks but could not land. Encamped after making eleven miles. Our Ricara chief joined us here with our Indian companion. On the 26th we set out early, after putting our Ricara chief ashore to join the Mandans, who are in great numbers along the shore. We went on to the camp of the grand chiefs, four miles distant. Here we met Mr. McCracken, one of the Northwest, or Hudson's Bay Company, who arrived with another person nine days before to trade for horses and buffalo robes. We encamped for the night on the south at eleven miles distance, and within a mile of the Mandan village. A crowd of Mandan men, women and children came to see us, and Captain Lewis returned with the principal chief to the village, the others remained at our camp during the evening. At an early hour Saturday, October 27th we moved and anchored off the village. Captain Clark went ashore and after smoking a pipe with the chiefs declined an invitation to eat with them. His refusal gave great offense to the Indians, who considered it disrespectful not to eat when invited, but it was explained that

Captain was ill and they were satisfied. We proceeded four miles and encamped on the banks of the river to a village of the Mandanians. We here met with a Frenchman named J. J. Gass, who lives among the Indians as an interpreter and has a wife and children. Here we camped. Sunday, the 28th, we were joined by many of the Minnatarees and Mandanians from above, but the wind was so violent from the south that the lower chiefs could not come up. Finding that we shall have to pass the winter at this place, we made some expeditions, searching for a favorable location for our quarters, but found nothing suitable owing to the scarcity of timber. The following day we held a grand council with the Indians, where speeches and ceremonies similar to those at the Yankton meeting were gone through with and a large number of chiefs recognized with presents. In the evening a fierce prairie fire occurred. So rapid was it that a man and woman were fatally burned before they could reach a place of safety.

Among the rest a boy of the half white breed escaped unhurt in the midst of the flames; his safety was ascribed to the Great Medicine Spirit who had preserved him on account of his being white. But a much more natural cause was the presence of mind of his mother, who, seeing no hopes of carrying off her son, threw him on the ground and covered him with the fresh hide of a buffalo, escaping herself from the flames. As soon as the fire had passed she returned and found him untouched, the skin having prevented the flames from reaching the grass on which he lay.

The winter encampment of Lewis and Clark was in latitude $47^{\circ} 21' 47''$, longitude 101° , very near to the site of the present Town of Washburn, McLean County, North Dakota, and 1700 miles from the mouth of the Missouri of date November 1, 1804. A suitable site was found below the Mandan village for winter quarters with an abundance of timber, elm and cottonwood. The fort was on the north side of the Missouri. The works consisted of two rows of cabins forming an angle where they joined each other, each containing four rooms, fourteen feet square and seven feet high, with plank ceiling, and the roof slanting so as to form a loft above the rooms, the highest part of which was eighteen feet from the ground. The backs of the huts formed a wall of that height. Back of the angle of the plan of the wall was supplied by picketing. Here the command passed the winter of 1804-5, gathering from the Indians and an occasional white trader visitor much valuable information regarding the country. The weather at times was cold enough to gratify an Esquimaux, but their quarters were very comfortable and the health of the garrison remained good, due in great measure to the abundant exercise afforded in various employments and in hunting. A large herd of buffalo and elk strayed into the shelter of the timber near the post during December, affording the explorers the finest hunt they ever engaged, enabling them to plentifully replenish their fresh meat supply and yielding a rich harvest of buffalo robes and skins. The post was named Fort Mandan, as a testimonial of esteem and friendship for the people who showed the whites the most friendly disposition in many ways during their residence among them. There was one extreme cold period during the winter when a spirit thermometer congealed on short exposure, but the men were not seriously disturbed in their out-door employments and suffered only slightly. Three white fur traders representing the Hudson's Bay Company on the Assiniboine, one of whom was a Mr. Hanley, visited the fort and partook of its hospitality on the 16th of December and learned for the first time from Captain Lewis that the United States had purchased the country. The visitors were much surprised and thought England had been very lax in permitting such a prize to be captured by the infant republic, which was looked upon by foreigners generally as an uncertain quantity and a doubtful experiment in government. Christmas and New Years were celebrated at Fort Mandan with services appropriate and in feasts and dances in which the Indians participated.

The expedition left Fort Mandan on Sunday evening, April 7, 1805, at 5 o'clock. It consisted of thirty-two persons, namely: Capt. Meriwether Lewis, Capt. William Clark, Sergt. John Ordway, Sergt. Nathaniel Pryor, Sergt. Patrick Gass (successor to Charles Floyd, who died before the expedition passed the mouth of the Big Sioux), Privates William Brown, John Colter, John Collins, Peter Cruzatte, Robert Frazier, Reuben Fields, Joseph Fields, George Gibson, Silas Goodrich, Hugh Hall, Thomas P. Howard, Baptiste Lapage, Francis Parkes, Hugh McLean, John Potts, John Shields, George Shannon, John B. Thompson, William Werner, Alexander Willard, Richard Winsor, Joseph Whitehouse, Peter Wiser and George Clark, half-breed, York. The interpreters were George Druillard and Toussaint Chaboneau and Chaboneau's Indian wife, Skagaweah, a Snake Indian woman, who had been sold to the Mandan tribe a year before and sold to Chaboneau. She had an infant child with her and was at first taken back to her own people. This Indian woman, because of her acquaintance with the Snake River Indians, whose language she spoke, and her familiarity with the Mandan manners, proved an invaluable aid to the expedition, which might have reached upon a more difficult but for her prudent and timely counsels and guidance. She did not leave her husband for her own people, but continued on to the end of the long journey on the banks of the Pacific. They were well and kindly cared for by Captains Lewis and Clark during the winter and continued with the expedition in the spring of 1806 to her own people, where she had her husband and other members of the Snake tribe, for one of whom she is said to have secured a good marriage. When she came at last to say the final farewell she was overwhelmed with emotion and said that she would not be deserted, but such was her fate, and nothing further was ever known of the brave and dauntless woman.

We shall not attempt to follow the daily incidents of this party further and will conclude with a brief summary of its experiences. While they had much to interest and enjoy they also encountered serious hardships and faced death on numerous occasions. Above the Yellowstone the grizzly bear was encountered. This was regarded as one of the most dangerous and formidable of all the wild animals, and members of the Lewis and Clark party had a number of hair-breadth escapes from its jaws and claws. On one occasion, when Captain Lewis had been exploring a section of the country alone, he met a herd of buffaloe on his return and being desirous of providing for supper shot at one of them, who immediately began to bleed. Captain Lewis, who had forgotten to reload his rifle, was intently watching to see him fall when he beheld a large brown bear who was stealing on him unperceived, and was already within twenty steps. In the first moment of surprise he lifted his rifle, but, remembering that it was not loaded and that he had not time to reload, he felt that there was no safety but in flight. It was in the open level plain, not a bush nor a tree within 300 yards, the bank of the river sloping and not more than three feet high so that there was no possible mode of concealment. Lewis therefore thought of retreating in a quick walk as fast as the bear advanced toward the nearest tree, but as soon as he turned the bear ran, open mouthed, at full speed upon him. Lewis ran about eighty yards, but finding that the animal gained upon him fast, it flashed into his mind that by getting into the water to such a depth that the bear would be obliged to attack him swimming, that there was still some chance of his life; he, therefore, turned short, plunged into the river waist deep and facing about presented his esponton. The bear arrived at the water's edge within twenty feet of him, but as soon as Lewis had himself in the posture of defense the bear seemed frightened, and, wheeling about, retreated as rapidly as he had pursued. From this adventure, which occurred near Medicine River, June 14th, Lewis made up his mind he would never for a moment suffer his rifle to remain unloaded. These bears were monsters in size and very tenacious of life, sometimes requiring as many as ten balls to bring them down.

The expedition continued its journey, tracing the Missouri River to its source and pushing on through the mountains, meeting with many thrilling as well as pleasant adventures; surrounded by savage inhabitants, most of whom had never met a white man and with whom their intercourse was so wisely managed with the aid of Skagaweah that not only no serious difficulties occurred between them, but the assistance of these nations as guides and in supplying food was in trying times most timely and of great importance. Through all the band of heroes struggled, finally reaching their goal—the mouth of the great Columbia River—about the 1st of December, 1805, near the mouth of which, on a tributary stream called Netul, now Lewis and Clark River, they built their winter quarters, naming it Fort Clatsop from a tribe of Indians who had treated the party with great kindness and were uniformly friendly. The winter was industriously passed in explorations by land and water; in studying the character of the native inhabitants, who were numerous and interesting, and in hunting and fishing. Their outdoor employment was seriously hindered by almost continual rains, barely a day and night passing that did not bring its rainfall, and at times the rain would continue for days. It was discovered that these Indians had for a long series of years traded with white men who came in vessels, probably some of them from the north, though the natives, when asked the direction, would point to the southwest. Captain Lewis procured the names of a number of these traders, all of whom voyaged in three and four masted schooners and who came in the spring and fall. These names are Messrs: Haley, Yonens, Tallamen, Calalamet (who had a wooden leg), Swipton, Moore, Machey, Washington, Mesship, Davidson, Jackson, Holch and Skelley, who had one eye only.

On Sunday, March 26, 1806, the expedition set out on its return journey, which was accomplished without the loss of a life, though the party was at times exposed to great perils, and Captain Lewis narrowly escaped death in a skirmish

with Indians who had been camping with them over night and had stolen their guns and horses before daylight. In the struggle to recover their effects Lewis was obliged to kill two Indians and another was mortally hit with a knife in the hands of one of the men. The guns and nearly all the horses were recovered. This was the only occasion when such extreme measures were demanded, and it was an occasion when self-preservation unquestionably justified the killing. The expedition made fair progress, each day bringing its interesting if not exciting incidents. About the last of August they passed the future site of Fort Randall. On the 31st they had reached Bon Homme Island, where they met a party of Yankton Indians, who represented about eighty lodges, that were encamped above on Emanuel Creek. Here a halt was made and the Yanktons invited to their camp where they were addressed by Lewis as good and faithful children. A piece of ribbon was tied in the hair of each Indian and some corn was given them and a pair of leggings to the chief. The party spent an hour hunting on the island. The bottom land on the north is described as very rich and so thickly overgrown with pea vines and grass, interwoven with grape vines, that some of the party who attempted to hunt there were compelled to leave it and ascend the plain, where they found the grass nearly as high as their heads. These plains were described as much richer below than above the Quicourt, and the whole country was there very beautiful. After making fifty-two miles they stopped for the night on a sandbar (near Yankton) opposite to the Calumet Bluff, where they had encamped on the 1st of September, 1804, and where their flag staff was still standing. They suffered very much from the mosquitoes. (This encampment was made on Monday evening, September 1, 1896, just two years to a day from the first visit when ascending the river.)

It is reported on what would seem to be good authority that Captain Clark was married to a Nez Perce Indian belle during the outward journey. The nuptial knot was tied according to the Indian custom. His bride accompanied him to the Pacific, remained at Fort Clatsop during the winter and returned with the expedition in the spring to her own people, where the captain concluded to leave his dusky bride until he could arrange otherwise. In due time a son was born, this was in 1807, whom his mother named Tzi-kal-Tzae. When he grew up he called himself "Me-Clark," and could speak English, which had been taught him by his mother. He had sandy hair, which resembled that of the Explorer Clark. This son was killed at the age of seventy years in Bear Paw Mountains on Snake Creek in a battle with General Miles' command. "Me-Clark" was the father of a daughter born about 1855 named Mary Clark, who is now living in Montana. Hon. Joseph Dixon, who represents Montana in Congress, Judge Hiram Knowles and Judge F. H. Moody of Montana are mentioned as authorities for this statement, Dixon having taken the pains to investigate the matter on behalf of Mary Clark. The preparation made to celebrate the centennial anniversary of the Lewis and Clark expedition at Portland in 1905 brought to light this incident, which may appropriately find a place here.

At 8 o'clock the next morning they passed the River Jacques (James) at ten miles and soon after were compelled to land on account of high northeast wind and remained until sunset when they went to a sandbar and camped, twenty-two miles from the encampment of last night. During the day they killed three buffle, four prairie fowl, which were the first they had seen in descending, and two turkeys. The following day, at 11 o'clock, they passed the Redstone (Vermillion) and made sixty miles before night, when they saw two boats and several men on shore. On landing they found a Mr. James Airs of a house at Prairie du Chien, who had come from Mackinaw by way of Prairie du Chien and St. Louis with a license to trade among the Sioux for one year. Most of the night was spent in making inquiries into what had occurred during their absence. After so long an interval the sight of anyone that could give information was delightful and they found Mr. Airs a very friendly and liberal gentleman. They proposed to him to purchase a small quantity of tobacco to be paid for in St.

Louis, when he readily furnished every man of the party with as much as he could use during the remainder of the voyage.

Thursday they left Mr. Airs and after passing the Big Sioux stopped at noon near Floyd's Bluff. On ascending the hill they found that the grave of Floyd had been opened and was now half uncovered. They filled it up and then continued down to their old camp near the Maha villages. On the 6th they met a trading boat belonging to Mr. August Choteau of St. Louis, with several men, on the way to trade with the Yanktons at the River Jacques, and obtained from them a gallon of whiskey and gave each of the party a dram, which was the first spirituous liquor any of them had tasted since the 4th of July, 1805. For tobacco when there was none to be had in the upper river the men cut their long tomahawk pipe stems, which had become saturated with the tobacco juice, into small pieces and chewed it.

The party reached St. Louis in safety on Thursday, September 23d, at 12 o'clock, fired a salute and went ashore, where they received the heartiest and most hospitable welcome from the whole village.

The old French interpreter, Durion, who had been left with the Yanktons on the way up took a number of Yankton chiefs to Washington in the spring of 1805, where they were royally entertained and returned to their homes so favorably impressed that the tribe forever after remained on friendly terms with the whites. Durion had married a Yankton belle and had one son who became quite prominent as an interpreter and trader, and he may have had other children. He lived to a green old age and died here in the Valley of Yankton and was buried according to the Indian custom on a scaffold which was erected on the summit of the bluff near the Sister's Hospital and was a prominent landmark when the whites settled in Yankton. Armstrong indulges in the following sentiment to the memory of the faithful guide:

There he has slumbered on his scaffold tomb
Through fifty years of storm and summer moon;
There let him rest, for first was he to die
Of all the white race beneath Dakota's sky.

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Among the first Yankton pioneers it was maintained that the scaffold, with a portion of the skeleton, was visible when they first visited it, but the bones were soon carried away by those who discovered in them something of peculiar value as relics.

Captain Lewis was appointed governor of Louisiana, with his residence at St. Louis, in 1807, and Captain Clark was made general of its militia and agent of the United States for the Indian affairs in Louisiana. Captain Clark engaged in the fur trade in 1808 with Manuel Lisa and Sylvester Labbadie, who was related to the Choteaus by marriage and led an expedition of 150 men up the Missouri, founding Fort Clark at the Arickaras Village below Knife River, and then went on to the forks of the Missouri, built a fort and engaged in trapping with a large force of men. The implacable hostility of the Blackfeet Indians finally drove the whites out of the country, killing thirty of them, and Clark retired from the trade.

Regarding Captain Lewis, President Jefferson furnished a biographical sketch to be published in connection with the journal of the explorations. It was written at Monticello in 1813, and gives a history of the events leading up to the expedition, the letter of instructions to Lewis and closes with the following account of his melancholy death:

Governor Lewis had from early life been subject to hypochondriac affections. It was a constitutional disposition in all the nearer branches of the family of his name and was more immediately inherited by him from his father. They had not, however, been so strong as to give uneasiness to his family. While he lived with me at Washington I observed several times sensible depressions of mind, but tracing their constitutional source I pursued the course by what I had seen in the family. During his western expedition the constant fatigue which that required of all the faculties of body and mind suspended these distressing

HISTORY OF DAKOTA TERRITORY

After his establishment at St. Louis in sedentary occupation, they returned upon him with troubled vigor and began seriously to alarm his friends. He was in a paroxysm of nervousness, and was so afflicted that it was necessary for him to go to Washington. He arrived at Mr. Claiborne's office where he arrived on the 16th day of September, 1809, with a letter from the governor of Louisiana, Mr. Neely, agent of the United States, and a letter from the governor of Louisiana, Mr. Neely, agent of the United States. He found him extremely indisposed, and was so afflicted that it was necessary for him to go to Washington. The rumors of a war with England, and that he might lose the papers he was bringing on, among which were his public accounts and the journals and papers of his western expedition, were so great, that he was obliged to change his route and to take his course by land through the country. Although he appeared somewhat relieved, Mr. Neely kindly determined to wait for him at the house of the first white inhabitant on his road. He stopped at the house of a Mr. Gruider, who not being at home his wife alarmed at the symptoms of distress, sent her maid to take him up the house and retired to rest herself in an out building. Mr. Neely's servants lodging in another. About 3 o'clock in the night he fell ill, and which plunged his friends into affliction and deprived the country of one of her most valued citizens, whose valor and intelligence would have been now (1813) employed in the service of his country, and in emulating by land the splendid deeds which he had performed on the ocean. It lost, too, to the nation the benefit of receiving from him the full and true history of his sufferings and successes, in endeavoring to extend for them the boundaries of science and to present to their knowledge that vast and fertile country which their sons are destined to fill with art, science, with freedom and happiness.

In this melancholy close of the life of one whom posterity will declare not to have lived in vain, I have only to add that all the facts I have stated are either known to myself or communicated by his family or others for whose truth I have no hesitation to make myself responsible, and I conclude with tendering you the assurance of my respect and consideration.

THOMAS JEFFERSON.

In Robinson's History of South Dakota (1904), it is stated that:

The first action of Congress regarding a government for the Territory of Louisiana was to attach it to the Territory of Indiana, of which William Henry Harrison was governor at that time. The following year (1805), Congress created the Territory of Louisiana, with St. Louis as the capital, and the President appointed James Wilkinson, governor; Frederick Bates, secretary; and R. J. Meigs and J. B. C. Lucas, judges. [Capt. Merriwether Lewis was appointed governor in 1807.]

In 1812 Louisiana was admitted as a state with its present boundaries. Congress then created the Territory of Missouri. In 1820 Missouri was admitted into the Union, but no provision was made for a government north of the Missouri and west of the Mississippi until 1834, when the Territory of Michigan was extended to embrace the country west to the Missouri and north to the international boundary. In 1836 Wisconsin Territory was created, which included Wisconsin, Iowa, Minnesota, and Dakota east of the Missouri. In 1838 Iowa was made a territory and included all the territory north of the Missouri to the Canadian River, and all lying between the Mississippi and Missouri. Minnesota was made a territory in 1858, and included all east of the Missouri as far north as White Earth River. That year the Dakota north of the Missouri was called Mandan until 1854, when it was included in the Territory of Nebraska.

LEWIS AND CLARK'S CAMPS IN DAKOTA

It may be interesting to Dakotians generally if it could be known definitely where the various encampments by Lewis and Clark's party were made. A record was kept of the number of miles traversed each day and a brief description of the camps, but there have been such changes in the channel of the river and its banks during the century that has elapsed since the exploration that their record of distances and description will not now guide to all the points mentioned in their journal. Out of a motive of curiosity more than of an expectation of giving the precise location, the writer has endeavored to point out approximately where these various camps were laid between the Big Sioux and the winter camp. This may lead to a closer examination by those now inhabiting the river banks and possibly a line of Lewis and Clark's landmarks may be established, fifty-two or more in number, along the borders of the Missouri. The expedition passed the mouth of the Big Sioux River August 21st. The first

camp made after passing this point was on the Nebraska side, about three miles west of McCook, Union County. The second camp was on the Dakota side, in Union County, in town 90, range 49. The third camp was on the Nebraska shore, two or three miles from Elk Point; and the fourth $3\frac{1}{2}$ miles above the mouth of the Vermillion River on the Nebraska side. The fifth night was spent six miles farther upstream, on the south side of the river, probably about opposite section 22, town 92, range 52, Clay County. The sixth camp was in Clay County, near section 21, town 92, range 53. The seventh camp was on a sandbar, near the Yankton County shore, $1\frac{1}{2}$ miles above the mouth of James River. Tuesday, August 28th, the expedition reached a point $8\frac{1}{2}$ miles by river from the camp of the night before, and went into camp for the eighth time "on the south, under Calumet Bluff" (which bluff is on the north side), and here the party remained until Saturday, September 1st, holding a council with the Yankton Indians. September 1st, the ninth camp was on the lower extremity of Bon Homme Island, fifteen miles from the Yankton Camp, and the next night, which was Sunday, the encampment was formed at the head of Bon Homme Island, where Captain Clark spent the day viewing and measuring the old fortification. The eleventh camp was on the Nebraska side, about opposite Springfield, and the twelfth was just above Niobrara River in what was once Todd County, Dakota. The thirteenth camp was also in Todd County, about opposite section 19, town 94, range 62, on the Yankton Reservation. The fourteenth camp was very near Greenwood, on the Yankton Reserve; and the fifteenth in Gregory County, about $3\frac{1}{2}$ miles above Greenwood. Sunday, September 9th, the sixteenth camp was made on Boat Island, in Chas. Mix County, seventeen miles above Greenwood. The seventeenth camp was on Mud Island, Charles Mix County, $10\frac{1}{2}$ miles above Boat Island. Camp No. 18 was in Brule County, near section 14, town 101, range 71. No. 19 was in section 21, town 102 range 71; and No. 20 in section 24, town 102, range 72, all in Brule County. At camp twenty the expedition remained a day examining White River Valley. Camp twenty-one was six miles above White River on the north side, in Brule County. Sunday, the 16th of September, camp twenty-two, near Lower Brule Agency, on the west side. Camp twenty-three was on the west side, below Chamberlain; and camp twenty-four was at American Island, opposite Chamberlain. Camp twenty-five was near Crow Creek, Buffalo County. Camp twenty-six was on section 21, town 108, range 93, Hyde County, on a sandbar. Camp twenty-seven in Hughes County, section 4, town 108, range 74. The next camp, twenty-eight, was made Sunday, September 23d, near section 31, town 110 range 76, in Hughes County, and the following night camp twenty-nine was made on a sandbar at the mouth of Bad, or Teton River, because of the threatening attitude and large number of Indians at that point. The following three days were spent with these Indians who were apparently friendly, but who acted as though waiting an opportunity to be otherwise. Camp was changed each night, moving up a mile or two along the bars, or anchoring the boats. A grand council was held. On Friday, the 28th, the expedition left Bad River and moved up about six miles above Pierre to camp thirty-one, near section 6, town 110, range 81. No. 32 was in section 34, town 110, range 81. No. 33 was above and near Fort Sully; and thirty-four was on Devil's Island, Sully County, opposite section 19, town 113, range 80. The expedition had passed the mouth of the Cheyenne River this day, which was the first of October. Camp thirty-five on sandbar near the north line of Sully County. No. 36 on sandbar eight miles from last camp and near latitude $44^{\circ} 19' 36''$, about opposite section 29, town 118, range 79. No. 37 on sandbar near Forest City, Potter County, opposite section 7, town 118, range 78. No. 38 on the northeast shore, two miles below Le Beau, Walworth County, section 26, town 121, range 78. No. 39, passed the mouth of Moreau River on Sunday, October 7th, made twenty-two miles, camped below the mouth of Grand River about four miles, opposite town 124, range 76, Walworth County. Camp forty was

above Grand River, which was passed on the 8th, and the altitude taken in latitude $45^{\circ} 39' 5''$. Camped in the southern part of Campbell County, section 16, town 124, range 79. Remained here until the 12th, counseling with the Brickarees, who had a large village on the south, and on an island. Three days at this point. October 12th, camp forty-one, Campbell County, town 128, range 77. Camp forty-two was in Campbell County, near the boundary line between the two states. No. 43 in Emmons County, N. D., ten miles above the boundary, between the two states. No. 44, October 15th, Emmons County, nearly opposite Fort Yates. No. 45 on the north, about section 12, town 133, range 79. Camp forty-six, in the south or west, three miles below the mouth of Cannon Ball River. Camp forty-seven in Emmons County, above Fort Rice, in section 6, town 135, range 78, latitude $46^{\circ} 23' 57''$. Camp forty-eight, Burleigh County, N. D., four miles above the boundary, opposite section 18, town 137, range 78, camped on sandbar. No. 49, October 19, near Bismarck, on the west bank. No. 50, seven miles above Bismarck, on the east bank, Sunday, 21st. Camp fifty-one in Mercer County, N. D., five miles above southern boundary. Camp fifty-two near the north line of Burleigh County and south line of McLean. Monday, October 22, camp fifty-five; expedition reached Mandan and Ree villages, now McLean County, and spent a week looking for winter camping place, changing its camp occasionally, and finally, on the 29th of October, selecting a site for winter quarters near the present Town of Washburne, McLean County, in latitude $47^{\circ} 21' 47''$, longitude 101 west from Greenwich.

CHAPTER VI

THE FUR TRADE

FUR TRADE THE PIONEER INDUSTRY OF NORTH AMERICA—JOHN JACOB ASTOR AND HIS ENTERPRISES—THE CHOTEAU'S, LISA AND OTHERS—FORT PIERRE CHOTEAU—ASTOR EXPEDITIONS BY SEA AND LAND—WASHINGTON HUNT'S PERILOUS AND TRAGIC JOURNEY—THE WAR OF 1812—ASTOR SELLS TO CHOTEAU.

The Upper Missouri Valley was the theater of a very large and profitable industry generations before the country was opened to settlement, and prosperity, measured in the profits realized from the fur trade, possibly equalled, if it did not exceed, our boasted per capita of the present day. We do not realize how much was accomplished in the exploration of this great Northwest by the pioneers who bartered with the savages during the eighteenth and nineteenth centuries, nor do we realize the comparatively large number of civilized people who lived sumptuously on its bounty. The forests, plains and streams furnished the raw material in immense quantities; the natives found it a source of profitable industry and congenial employment. The traders were the middlemen and accumulated princely fortunes, while the product in its unfinished condition formed the staple of our foreign outgoing commerce. It found an eager and profitable market in Europe, and one of still greater pecuniary value with the opulent classes, the mandarins and royal princes of China, and Astor's Pacific coast enterprise with the China trades led to the founding of a trading port at Astoria. It will seem somewhat singular that during all these decades, when the fur trade flourished so vigorously, that the adventurous pioneers made no effort to discover the gold which lay hidden in the very gulches and river banks trod by the enterprising traders and trappers. There seems to be no record of gold discoveries nor of any attempt at prospecting for minerals until the discovery of gold in California in 1849. The fur trade was civilization's pioneer industry in the northern half of the United States as well as Canada; and the Dakotas, with their savage races, contributed as largely and possibly a greater volume to this profitable traffic than any other similar area in North America.

From almost the earliest settlement of North America by white people, the fur trade was the only important industry to engage their enterprise. It had its beginning with the French occupation of Canada in the sixteenth century, and by the year 1800 had grown to immense proportions, and had, by its alluring prizes in the immense profits accruing from it, led its working forces across the continent of North America to the shores of the Pacific. Fur companies had been formed in the Canadian provinces on a scale of great magnitude and their enterprising projectors had become monarchs of wealth. Early in the last century the leading merchants of Philadelphia and New York were largely engaged in this trade, but the major portion of it was controlled by British subjects.

John Jacob Astor, who was born in Germany some time about 1760, had made his way to the United States and had been engaged exclusively in buying and exporting furs for a number of years. He had succeeded in accumulating what was then considered a large fortune. He had become an American citizen

and was a resident of the State and City of New York. He was a man of high and laudable ambition, of great executive ability, a sincere and active American patriot, in fact, a type of the best and most intelligent citizenship. When Louisiana was purchased he saw the way opened for the establishment of a fur trade on a magnitude equal to that of Canada and exclusively within the territorial jurisdiction of the United States. After the return of the Lewis and Clark exploring expedition he set about the practical execution of the most daring and costly business undertaking that had up to that day engaged the attention of this country's business men. He planned to open up and develop a fur trade that would embrace the entire country drained by the Missouri and Columbia rivers, reaching to the shores of the Pacific, and for this purpose secured a charter from the Legislature of the State of New York, in 1808, incorporating the American Fur Company with a capital of \$1,000,000, practically all of it furnished by himself. Because of his high character as a citizen and probity in all his affairs, he was also enabled to secure the favor of the President and Congress, who extended to him every privilege that could be consistently given in support of a private enterprise. Prior to this time, however, there had been a profitable trade carried on with the Indian population of the Missouri country by way of the British-American provinces controlled by the Hudson Bay Company of Great Britain, the Northwest Fur Company of Canada, and by a number of traders licensed by the Spanish governors of Louisiana—all foreigners—all inimical to the young Republic of the United States—and all, apparently, judged by subsequent developments, made it a large part of their business to prejudice the minds of the Indian population all along the Missouri against the new government that had come into possession of the Territory of Louisiana by purchase from France.

Mr. Doane Robinson, who has investigated the pre-settlement history of the Upper Missouri Valley quite thoroughly and intelligently, had this to say in his *History of Dakota*, regarding the infancy of the fur trade in the Northwest:

From 1764 the French of St. Louis begun trading up the Missouri. There is very little of record indicating how far up the river this trade extended, but it is certain that long before 1800 they were trading within the South Dakota Territory. Loisel's Post, a strong fortified trading house, was built on Cedar Island in the Missouri River, thirty-five miles below Pierre, in 1796. In the fall of 1796, Treaudeau, a St. Louis trader, established a house for trade with the Pawnees on the east bank of the Missouri, and a little above the site of Fort Randall.

To compress into a paragraph the conclusions relating to the exploration of South Dakota prior to the nineteenth century, it may be said that it is highly improbable that South Dakota was explored by the Spaniards in the early portion of the sixteenth century; or that any white man saw the territory during the sixteenth century at all. That it is quite possible that white men, employees of LeSeuer and LeMoyné, visited Sioux Falls in 1683, and very probable that LeSeuer's men were here to trade in 1700; and that it is also possible that LeSeuer visited South Dakota in person about 1695. That Verendrye was certainly here in 1742, and that DeLusignan visited our borders in 1745. That the French had established a general fur trade in our territory and had built two strong posts prior to 1800. That, so far as is yet developed all other reputed explorations are based on conjecture.

Small trading posts were also established at Big Stone Lake and along the James river by small traders, or as branch establishments of the larger companies. They endured for a brief time and were then abandoned for a more favorable location, or were merged with other concerns.

The Columbia Fur Company, about 1827, had trading posts at the mouth of the Niobrara, James and Vermillion rivers.

In the lower Missouri country a profitable and growing trade with the natives was carried on by citizens of St. Louis, first of whom in point of wealth and ability was the Chouteau family and its connections by marriage, whose ancestors founded St. Louis in 1764. The Chouteaus were deeply engaged in the fur trade as far west as the Kansas River, during the closing years of that century, and were extending their business up the Missouri Valley as

rapidly as practicable. A prominent character in the trade early in 1800 was a wealthy Spanish gentleman named Manuel Lisa, also a St. Louisian, and associated with him were Benoit, Gregory, Sarpy and Charles Sanginet, who conducted their enterprise under the partnership title of Lisa, Benoit & Co. This gave way in 1806 to a new partnership headed by Lisa, in company with George Druillard, who was a member of the Lewis and Clark expedition. The partners made a trading trip to the mouth of the Yellowstone in 1807, and built a trading post near that locality which they named Fort Manuel. It was the first trading post built in the Dakotah country. Druillard remained in charge of the post, while Lisa returned to St. Louis in 1808, and organized the American Fur Company of St. Louis, with Capt. William Clark, of Lewis and Clark, and Sylvester Labadie, a relative by marriage of the Choteaus. In 1809 these three gentlemen, with a party of 150 men, trappers, hunters, frontiersmen and employes, made a trip to Fort Manuel, locating a small trading post at the Arickaree village near Big Knife River on their way up, which was named Fort Clarke. They also established posts at a Mandan village a few miles above, and still another at a village of the Gros Ventres on the opposite side of the river. This party proceeded to the headwaters of the Missouri, erecting a fort at the three forks of the river, and began trapping on an extensive scale, as well as trading. They encountered serious trouble with the Blackfeet Indians, losing nearly a third of their men. Their employes became discouraged and deserted, some of them entering the employ of the Hudson's Bay Company, which conducted an itinerant trading business through that section. The Lisa company abandoned the country. What is known as the second war with Great Britain, 1812-15, followed, the fur trade became too hazardous for Americans in that section, and it languished for four years. In 1816 it revived, however, with great spirit, and a number of new partnerships were formed at St. Louis, conducting their operations mainly south of the Dakota line. In 1819 another partnership under the head of Lisa was formed at St. Louis, embracing nine individuals, men of wealth and business experience. Their names were Manuel Lisa, who was elected president of the partnership; Thomas Hempstead, Jr., Lisa's brother-in-law; Joshua Pilcher, an experienced upper river trader; Joseph Perkins, Andrew Woods, Moses B. Carson, Andrew Dripps, Robert Jones and J. B. Zaroin. The firm sent Mr. Pilcher with about seventy-five men and a large stock of Indian wares into the Sioux country that same season and located trading posts, first at Cedar Island, about midway between Fort Randall and Chamberlain, or what is now Gregory County; they also built a post near Chamberlain, which they called Fort Lookout, and Fort Kiowa was afterward erected near this locality. Passing on to the great bend of the river above Crow Creek, they built Fort George, and also put in a very complete frontier repair shop with a blacksmith outfit, and closed their season's building operations by the erection of Fort Tecumseh, opposite the mouth of Bad River and very near the site of the present capital of South Dakota. This post was looked upon as occupying hostile Indian country and was surrounded with a substantial stockade.

In the meantime Mr. Astor had been pushing his great enterprise with all the energy and celerity possible in those days. With no lack of means, it was not an easy matter to secure the necessary assistants in an undertaking such as Astor contemplated. He needed experienced men who combined honesty, efficiency, courage, good judgment—qualities that go to make up not only a first-class business man but a great military commander, and as resolute as Napoleon. His first move was the sending of two expeditions to the Oregon country—one by sea and one by way of the Missouri and Columbia rivers. This was in 1810. The first was attended with great misfortune and an appalling sacrifice of life. It forms a chapter of tragic history, the most thrilling and disastrous in the annals of those early days of resolute adventure and exploration. The Missouri expedition fared little better, though its misfortunes were due to the difficulty of finding a path through the mountains, and its formidable enemy was starvation.

which threatened its members for months and brought them possibly to feed a human body.

The Missouri expedition was under the command of Mr. Washington Hunt, an experienced fur trader, of fine executive ability, undaunted courage and resolution, but a comparative stranger to the duties and experiences of such an undertaking. After visiting Canada and possessing himself of such information concerning his trip as he could obtain, securing the most experienced boatmen and other assistants, and outfitting with the necessary boats, he crossed to the Mississippi and voyaged down that stream to St. Louis, where he completed his outfit and his complement of hunters and voyageurs, engaging for an interpreter a son of the Frenchman Durion, who had accompanied Lewis and Clark in a similar capacity as far as Yankton. Mr. Hunt found considerable difficulty in securing what he needed, certain St. Louis interests, notably those controlled by Lisa, seeming to take particular pains to obstruct his negotiations.

Being amply supplied with money, however, and known as the agent of Astor, he was finally successful, and, everything being in readiness, he set out from St. Louis on the 21st of October, 1810, with a strong company, thoroughly equipped, having planned to follow, as near as possible, the route taken by Lewis and Clark. The time of starting was late, the stage of water was low, and winter coming on early, the expedition made but 450 miles, when reaching the Nodawa River, 150 miles above old Fort Osage, they found an excellent point for a permanent camp. On the 16th of November they landed and prepared their winter quarters. This encampment was surrounded by a country abundantly supplied with game and groves, and the winter was passed very pleasantly. The breaking up of the river, the following spring, came unusually late, and the expedition was obliged to remain in camp until about the 20th of April, 1811, when the voyage toward the mountains was resumed, and continued with fair success.

If this expedition made any important halt in the vicinity of Yankton, along the river or other points, the record does not mention it, but does relate meeting with members of the Yankton tribe at the Omaha village below, who informed Mr. Hunt that the Teton Sioux, in the upper country, were inclined to be hostile, and advised him to act with caution. A village of the Poncas was found about four miles south of the mouth of the Niobrara River, and the Indians proved to be very friendly. During the voyage Mr. Hunt had been, most unfortunately, persuaded to change the plan of his route, and instead of following in the path of Lewis and Clarke, he had resolved to abandon the river at the Arickaree village, near the mouth of the Cannon Ball River, and strike across the plains as a more expeditious route and affording many trading advantages. The Arickaree village was reached June 10th, after many interesting experiences. And here Mr. Hunt, after long and vexatious delays, in which Mr. Lisa again appears as a trouble maker and then as a most valuable and cordial cooperator, succeeded in procuring about eighty horses, which, however, was not as many as he required for pack animals, having in addition to the ordinary supplies for his men, a large quantity of goods for barter and for presents to the Indians. Finally the cavalcade got away from the Missouri about the 20th of July, having been nearly six weeks making the necessary arrangements caused by the change of route. Mr. Hunt, however, believed he would be able to get through the mountains before winter set in and join the expedition sent by the same route.

The subsequent journey of this expedition, after reaching the eastern slope of the Rocky Mountains, forms a fearful chapter of early Northwest history. Starting out with great pomp, and about as well equipped for the journey as it was possible to be supplied, the members of the party were called upon to endure every hardship and privation that human beings could endure and survive. The Indians proved sometimes friendly and often treacherous; ignorant guides led the party into impassable canyons and barren deserts; storms and floods de-



GENERAL HENRY LEAVENWORTH
Commanded in first Indian war on Dakota soil, 1817



FORT UNION, ON THE UPPER MISSOURI
Built by Chouteau and Company, 1839

stroyed and swept away their supplies and raiment, horse flesh and dog meat became a luxury, and finally this was denied them. Their sufferings were indescribable—they were horrible. The party became necessarily separated in order to obtain subsistence, and labored on, half demented, and finally, almost literally naked, emaciated, barefooted and bleeding, Mr. Hunt, with a small number of his men, reached the new fort of Astoria, near the mouth of the Columbia River, about the middle of February, 1812. This post had been built the summer before by the Astor party which went around by sea on the chartered vessel *Tonquin*, which, with its captain and crew, had already met with a most tragic and melancholy fate. He received a welcome so sincere and heartfelt that no language can properly portray it. A portion of his party had preceded him by a full month, and had about given up their leader as lost. The reunion was cordial beyond expression. They had been seventeen months out from St. Louis, and it was estimated that they had traveled 3,500 miles.

We question seriously whether the annals of adventure in any part of the world can furnish an instance where men endured the bitter experiences of this band of pioneers and survived to tell the story of their journeyings and their hairbreadth escapes.

This expedition, occurring at that time and journeying through a region largely unexplored, must be regarded as only second in importance to that of Lewis and Clarke, for, although attended with much loss and suffering to those engaged in it, the survivors were enabled to furnish to the world a vast amount of useful information regarding the region traversed and the people who inhabited it.

Following this Astor expedition came the war between the United States and Great Britain, from 1812 to 1815, which placed an effectual embargo on the foreign commerce of our country. It was to Europe and China that our merchants looked for their commerce of furs. The fur business, including the traffic with the Indians, so far as Americans were concerned, languished during this period. The British traders, however, maintained a continual bartering, and although Congress had enacted laws prohibiting foreigners from trading in the Missouri country, little attention was paid to the law and the enforcement of its provisions was not practicable as long as the British possessed the friendship and confidence of the Indian, which they did to a great extent, having gained it by a wise, if not an honest, course of dealing with them long prior to the purchase of Louisiana by the United States. The long association of the British fur companies, the Hudson's Bay and the Canadian Northwest Company, operating through itinerant traders from the Red River of the North and the Assiniboine, with the upper Missouri Indians, had established terms of friendship that enabled the British influence to control their sympathies and their trade during the War of 1812 and for many years after that contest was settled. The aggressive character of the American traders, however, was year by year gaining the advantage. The provision of law requiring traders to obtain permits from the Government was a great help to the legitimate business on this side of the boundary. After the close of the war there was a rapid revival, and the upper Missouri country, from the mouth of the Bix Sioux to the headwaters of the Missouri, was the scene of greatest activity. Mr. Astor's American Fur Company and the American Fur Company of St. Louis, controlled by Choteau, were both energetic and backed by ample capital. The resident manager of the Astor interest was Kenneth McKenzie, a Scotchman, who had learned the fur trading business very thoroughly during the many years of service with the Hudson's Bay Company. He was considered one of the most competent men in the trade in experience and executive ability. The Pacific Fur Company, the Southwest Company and the Columbia Fur Company were organized by Mr. Astor between 1810 and 1817, and the North American Fur Company in 1823. The three first named were merged with the North American in 1826 and the Astor establishment conducted its affairs under the title of the American Fur Company, and

also the North American, until 1834, when Mr. Astor disposed of all his western interests west of the Rocky Mountains to the American Fur Company of St. Louis, of which Pierre Choteau, Jr., was the principal owner, a man of rare business talents and great enterprise. In purchasing the Astor interests, Choteau secured the services of McKenzie, whom he highly valued, and made him general manager of his entire upper Missouri trade, with headquarters at Fort Tecumseh, opposite the mouth of Bad River. McKenzie had located a post eight miles above the mouth of the Yellowstone in 1829, for the Astor American Fur Company, and called it Fort Union. It occupied one of the finest sites on the river. It was at the time the most complete post in the country; enclosed within a strong log stockade 325 x 350 feet in area, with two strong stone bastions in front, each two stories, supplied with cannon. Inside were a large store, a comfortable residence, a workshop for the carpenter, a blacksmith shop and buildings for employes. The post was supplied with a small herd of beef and dairy cattle, and a garden was successfully cultivated. An abundance of pasturage was convenient, and hay was cut and stacked for winter use and for the accommodation of visiting expeditions and adventurous travelers. Fort George, this side of Fort Tecumseh, was built in 1832 by an independent firm made up of Premen, Harvey and Boise, but was soon absorbed by Choteau's company.

CHAPTER VII

THE FUR TRADE AND THE FIRST STEAMBOAT

FORT PIERRE CHOTEAU—FORT VERMILLION AND BENTON—INTRODUCING THE STEAMBOAT, A MACKINAW BOAT; AND THE FIRST STEAMBOAT ON THE UPPER MISSOURI—MAGNITUDE OF THE FUR TRADE—THE TRADERS.

At this time Mr. McKenzie resolved upon changing the location of Fort Tecumseh to the west bank of the river. Experience had taught the manager that the west side was the most convenient for those Indians whose trade was the largest and most profitable, such as the Ogallallas and Arickarees, while on the opposite side were the Yanktons and Yanktonnais, but to reach them it was frequently necessary to go across the prairies to the James River, where competition would be met with. McKenzie therefore resolved to change the location of the trading post to the south bank, and, having obtained the consent of the Arickaree Indians, who seemed to control that country at the time, he, in company with William Laidlaw, another Choteau employe, selected a site for a new trading post about three miles above the mouth of Bad River and 300 feet back from the Missouri River, where they erected a stockade 280 x 300 feet square, enclosing a number of buildings that were necessary for a central trading post and depot of supplies. The portable property of Fort Tecumseh was abandoned and business was begun at Fort Pierre Choteau, the name bestowed on the new post in honor of the head of the American Fur Company of St. Louis, about June 15, 1832. George Catlin, the famous Indian painter, arrived at the new post from the Yellowstone, very soon after its completion. He found it in charge of Laidlaw, whose delighted guest he became, and in writing of his visit, says: "This gentleman has a finely built fort here of two hundred or three hundred feet square, enclosing eight or ten of their factories, houses and stores, in the midst of which he occupies spacious and comfortable apartments, which are well supplied with the comforts and luxuries of life, and neatly and respectfully conducted by a fine looking, modest and dignified Sioux woman, the kind and affectionate mother of his little flock of pretty and interesting children." This post, according to the same author, was 1,300 miles from St. Louis, and the distance is given by Lewis and Clark as 1,283 miles.

Fort Pierre Choteau covered an area of about two acres in the form of a square. The outer walls were composed of cottonwood logs twenty feet long, set upright in the ground to the depth of four feet. Blockhouses were built at the northwest and southeast corners, which projected outside of the stockade some eight feet. There were two gates on the east side, each ten feet wide and reaching nearly to the top of the wall. Within this enclosure were about twenty buildings devoted to various purposes, including a store 100 x 24 feet, where the Indian goods were kept. There was a carpenter shop, saddler's shop, blacksmith shop, living quarters for the employees, kitchens, storerooms for the furs and robes taken in, awaiting shipment to St. Louis, and very ample and comfortable quarters for the manager, Mr. Laidlaw and his family. There were also stables and a sawmill, and a small concrete structure made to store powder in. By crowding, the fort would accommodate 100 persons, but it was very seldom that more than twenty-five would people it at the same time. While it was named by its founders

Fort Pierre Choteau, the last name was soon dropped and "Fort Pierre" became widely known throughout the United States than any military or trading post in the territory. Not only was it a great central mart for Indian barter, as many as 6,000 Indians being in camp around it at the same time, but it became the most prominent landmark in the Northwest for Government expeditions sent out on scientific errands, and in this way it became well and favorably known throughout the nation. It occupied a geographical position also that brought it in line with the first circle of military forts erected by the Government along the Northwest frontier from Minnesota to Western Nebraska—a fortunate circumstance for its owners in years to come.

Fort Vermillion, situated on the bank of the Missouri River about two miles below the present village of Burbank, in Clay County, was built by the American Fur Company in 1835, under the direction of Larpenieur, a famous trader. It was abandoned about 1850.

A trading post called "Dickson's Post" was built about the same time as Fort Vermillion. It stood on the bank of the Missouri very near the present boundary line between Yankton and Clay counties. Dickson had been in the employ of the British companies, but this post is presumed to have been his personal enterprise.

Fort Benton was built in 1846 by Alexander Culbertson for the American Fur Company, and named in memory of Thomas H. Benton, of Missouri, for thirty years a member of the Senate of the United States. Fort Berthold was built about the same time.

Maj. Charles E. Galpin, who had been employed by Choteau, in company with Capt. Joseph LaBarge, both well known to the early white settlers of Dakota, engaged in the fur trade in 1848, and built Fort Campbell, above Fort Benton, and also a number of other posts. LaBarge was a pioneer steamboat captain and merchant, while Galpin was an old fur trader and had a wide acquaintance with the Indians. The building of these fur trading posts continued up to about 1850, when the trade entered upon its declining stage, and fifteen to twenty years later was numbered among the industries that had had its day and never could be restored.

Intoxicating liquors were used by the fur traders in their dealings with the Indians. It was discovered that the red men were fond of it, and were willing to pay, in barter, any price almost the trader would ask. It was discovered that when under the influence of liquor the Indian could be traded with to much better advantage to the trader than when sober, and this led the unscrupulous trader to use it freely as a means of driving a good bargain. This criminal and general use of intoxicants became a matter of such serious importance that Congress, in 1832, enacted the law prohibiting the carrying of liquors into the Indian country, and as a means of enforcing the law made it the duty of all army officers along the Missouri at the various posts to inspect the steamboats traversing the river, and to seize all spirituous liquors consigned to fur traders or their representatives. Intoxication among the Indians was materially lessened as a result of this beneficent measure, as forfeiture of the trader's license was one of the hillest penalties for transgressing the statute; but it seemed impossible to stop the traffic altogether, for some of the traders were shrewd enough to manufacture, it was claimed, good enough intoxicants for trading purposes at their posts, and used it in the morning where they could feel safe from detection. The Indians, however, would not divulge the trader's name who furnished them liquor, knowing that it could result in depriving them of it. The law of 1832, prohibiting the introduction of intoxicants into the Indian country, is still in force.

Mr. A. C. Randolph, a merchant of St. Louis in 1867, then something more than thirty years of age, related to a Dakota pioneer his own experience as a trader in the Northwest in 1830. In that year Mr. Randolph resided in Saline County, Missouri, and in connection with a Mr. Montgomery and a Mr. Breau-



FORT PIERRE IN 1832

a land expedition, and their outfit consisted of one wagon and five two-wheel carts drawn by mules, and in addition eleven saddle horses, in all eighteen animals. They took along ten months' provisions and all the Indian goods they could transport. Their route took them up the valley of the Missouri, and over the tenantless townsite of Sioux City to the Big Sioux River, which they crossed near the mouth of Brule Creek, on the 15th of December, 1840. They then journeyed along the bluffs or highland until opposite old Fort Vermillion, to which post they made a visit and found the American Fur Company established there and doing a thriving trade. At this point the Randolph party dismissed their Indian guides, whom they had "discovered to be worse than useless." These guides were accompanied by their families and a multitude of dogs that were accustomed to breakfast off of Mr. Randolph's harnesses. Leaving Fort Vermillion, the Randolph party camped the same evening on the bank of the Vermillion River. Quite a number of the Indians had kept along with the party, and that night a squaw gave birth to a papoose, and the dusky mother washed and dressed it herself, and all the next day, carrying her infant child, kept along with the procession and camped with them the same night at a point near the present farm home of S. C. Fargo, not far from Gayville. The next day the Randolph party reached and crossed the James River, some distance north of the present wagon bridge on the main road to Yankton, and pursued their journey along the highlands north of the bottom, keeping two or three miles away from the Missouri, the better to enable them to observe both highlands and lowlands. They finally reached the Bijou Hills region without serious mishap, their destination being the White River country, a stream that abounded in fur-bearing animals and Indians, whose source was somewhere in the Black Hills, as they had learned. Crossing the Missouri at Makazith (ziti), or White River, they followed up the west bank of the Missouri to old Fort George, where they halted and made their preparations for trade and barter. Here the company was divided into three detachments, each detachment being placed in charge of a member of the firm, and each detachment was to form a separate and distinct party for trading purposes. Randolph chose the White River Valley and Little Missouri as his field and traded with the Brules. Montgomery took up winter quarters on the Belle Fourche, or North Fork, of the Big Cheyenne, and bartered with the Two-Kettles, while Breauchamp drove a thriving business with the Ogallallas on the South Fork of the Cheyenne. A general name for the Sioux who inhabited the country west of the Missouri was Teton, or Tetonwan. They were all wild and warlike, but had been at peace with the whites so long that it was not known among them that they were ever hostile, although constantly at war with other Indian nations. In the spring of 1841 the three parties came together again in accordance with their plan, at old Fort George, all well and unharmed. All had enjoyed a very profitable trade, despite the misfortune that came to Randolph, who lost a small boat load of robes and furs by the sinking of the boat containing them in the Little Missouri River. Snow had been unusually abundant, as they learned from the natives, and the average weather had been much colder, a condition, however, that prevailed throughout the Northwest. The peltries were repacked at Fort George and the party returned without event to civilization, retracing the ground they followed on their way out. The adventure proved very profitable, and furnished the members of the expedition with a fund of experiences that were well worth the toil and hardship each endured.

While the fur trade grew to be a great and profitable industry, it declined for lack of material to feed it, and passed away leaving but little impress upon the regions where its great sources of supply existed. It aided in bringing together the white and red races, and rather led the way to the advent of the better civilization that was to occupy the land and subdue and develop it for the uses of civilized mankind. It is now little more than a memory, except in the far North, though within a century it formed the principal industry of our nation. It was the one crop which was annually harvested and which furnished the

means to a large extent of supplying subsistence to the pioneers and founders of the republic. It laid the foundations of great fortunes that have since increased manifold and today wield a potent influence in the business affairs of mankind. The Verendryes, the Astors, the Choteaus, the renowned Lord Selkirk, and others, designedly or not, used it to advance the standard of Christian civilization. It was a valuable aid to the earliest missionaries among the red men, contributing the ways and means which sustained and gave success to their unselfish and heroic labors.

Hundreds, possibly thousands, of small traders were engaged. The Randolph Expedition reveals a type of trading that was largely represented. Even subsequent to the advent of steamboats, for a score of years, the small trader continued to patronize the mackinaw, the pony's back, and his own, and move around among the producers who were scattered in small bands, and who provided the element of barter. Of this numerous class but little of record is left. A trader's license was all that was necessary to legitimize and legalize the trader's right to pursue the business.

The original mackinaw boat was supplied, a little forward of midships, with a stout mast, thirty feet high. A rope from two hundred to three hundred feet long called the "cordel" was made fast to the foot of the mast and passed through a block at the top, and from there to the bow of the boat, passing through another block, so as to bring this block at any required distance from the bow. The rope was then passed ashore and lengthened out or shortened as circumstances might require. From twenty to fifty men grasping the rope constituted the motive power, assisted occasionally by a lodge skin set as a sail. The men who followed this business as a profession were generally French-Canadians and were known as "voyageurs," or "cordellers." This was the genuine mackinaw used in Canadian streams and on the Missouri before the advent of steamboats, and on its unnavigable tributaries until a much later period. It was a boat usually that would carry fifteen to fifty tons. With the advent of the gold miner in 1862 and later, when thousands of small boats descended the Missouri in the fall bringing down the miners and their gold, the name "mackinaw" was given indiscriminately to all kinds of small boats, and it became the custom to speak of the arrival of these boats as the arrival of mackinaws. A well equipped boat, having sail and oars, would come down the Missouri at the rate of ten to twelve miles an hour. The Lewis and Clark bateau would seem to have been a first-class mackinaw, fitted for towing, rowing and sailing.

Regarding the average profits of the fur trade in its best days, Major Galpin and others who were still engaged in it when Dakota was opened to settlement and well acquainted with the pioneers, estimated that it was not below 300 per cent net, and this, it was maintained, was justified by the extraordinary risks attending the trade and the fluctuations in the market price of robes and furs.

As showing the magnitude of the traffic, the export business from the port of Philadelphia for the year 1824 was made public. Philadelphia was not the only export point, but had the largest share of this country's business. The merchandise was all from the upper Missouri country, and amounted to 250,000 pounds of deer skins; 250,000 pounds of beaver; 17,000 buffalo robes; 800 bear skins; 4,500 otter skins; 25,000 raccoon; 81,000 muskrat; 1,000 mink; 1,500 fox and wolf, and 400 fisher and martin skins. The shipment was on account of American traders and largely for that company. The Hudson's Bay Company shipped from Canadian ports, and in still larger quantities, and while they continued their illicit trade on the Missouri, the great bulk of their business was in the vast region drained by the Red River of the North and its tributaries. It was estimated that this company received annually from the Northwest frontier about 120,000 beaver; 30,000 martin; 20,000 muskrat; 5,000 fox; 4,000 otter; 2,000 bear; 2,000 mink; 30,000 buffalo; 5,000 lynx; 4,000 wolf; 1,000 elk, and 12,000 deer skins.

The early fur traders, those that engaged in the traffic directly with the Indians, were men of no ordinary mold. In many instances they were heroes, at all times resolute, self-reliant, and often self-sacrificing. As a rule no obstacle discouraged them, and they were appalled by no threatened calamity. This much can be said in commendation of their merits, without meaning to justify their methods of bartering with the ignorant natives.

The fur traders have disappeared from the Dakotas along with the buffalo, the beaver, the elk and the mink, and to a large extent the native inhabitants. Civilization had no place for them, but delayed its invasion until their occupation had been well nigh extinguished for want of material to subsist on. But the memory of the traders has been preserved on history's page, and in story and song, and among the most attractive type of these itinerant merchants, who were self-banished in their lust for gold to a life of isolation from their race, and exposed to a brood of privations and dangers inseparable from their avocation, it is peculiarly appropriate that a native Dakota boy should compose the requiem that tells of their departure and disappearance. We have therefore thought it appropriate to give place to a most excellent poem composed by the talented son of Maj. J. R. Hanson, of Yankton, in which he portrays the fur traders as the central attraction of a word-picture that will be found true to nature and of charming expression:

The moon on plain and bluff and stream
Casts but a faint and fitful gleam,
For striving in a ghostly race
The clouds that rack across her face
Now leave her drifting, white and high,
In some clear lake of purple sky.
And, then, like waves with crests upcurled,
Obscure her radiance from the world.
Across the wild Missouri's breast,
Which lies in icy armor dressed,
The north wind howls and moans,
Wrenching the naked trees that stand
Like skeletons along the strand
To shrill and creaking groans.
On distant butte and wide coteau
Is snow, and never ending snow,
Whirling aloft in spiral clouds,
Weaving in misty, crystal shrouds,
Then floating back to earth again
To drift across the frozen plain
In slow and strangely sculptured waves,
Whose like no shell-strewn sea beach laves.

Such night is not for mortal kind
To fare abroad; the bitter wind,
The restless snow, the frost-locked mold,
Bid living creatures seek their hold
And leave to winter's monarch will
The solitude of vale and hill.
The buffalo, whose legions vast
A few short moons ago have passed
Adown these bleak hillsides,
Now graze full many a league away
Where, through the softly tropic day
The winds of Matagorda Bay
Caress their shaggy hides.
The wolves have sought their coverts deep
In dark ravine and coule steep,
Where cedar thickets, dense and warm,
Afford protection from the storm;
And every creature of the plains
Has left his well beloved domains
To seek, or near or far,
A haven where warm blooded life
May cower from the dreadful strife
Of hyperborean war.

HISTORY OF DAKOTA TERRITORY

But, see! across yon barren swell,
Where wind and snow-rime weave a spell
Of phantoms o'er the hill,
What awkward creatures of the night
Come creeping, snail-like, on the sight,
Halting and slow in weary plight,
But ever onward still.
Their limbs are long and lank and thin,
Their forms are swathed from foot to chin
In garments rude of bison skin.
Upon each broad and stalwart back
Is strapped a huge and weighty pack;
Their coarse and ragged hair
Streams back from brows whose dusky stain
Is dyed by blizzard, wind and rain,
They are a fearsome pair;
Lone pilgrims of the coteau vast,
They seem like cursed souls, outcast,
To roam forever there.

Yet, hark! Adown the cold wind flung,
What voice of merriment gives tongue?
'Tis human laughter, deep and strong,
And then, all suddenly, a song
Rings o'er the prairie lone;
A chanson old, whose rhythm oft
Has lingered on the breezes soft
That kiss the storied Rhone,
Or floated up from lips of love
To some dark casement high above
The streets of Avignon,
Where lovely eyes, all maidenly,
Glance slyly forth that they may see
What lover comes to serenade
Ere drawing back the latticed shade
To toss a red rose down.

What fickle fate, what strange mischance,
Has brought this song of sunny France
To ride upon the blizzard crest
That mantles o'er the wild Northwest;
To find its echoes sweet
In barren butte and stark cliff-side,
Whose beetling summits override
The fierce Missouri's murky tide;
To rouse the scurrying feet
Of antelope and lean coyote,
To hear its last, long, witchery note,
Caught in the hoot owl's dismal throat,
Sweep by on pinions fleet?

Full far these errant sons of Gaul
Have journeyed from the grey seawall
That fronts on fair Marseilles.
But still the spirit of their race
Bids them to turn a dauntless face
On whatever fates prevail.
The storm may drive to hush and den
The creatures of the field and fen,
But neither storm nor darksome night,
Nor icebound stream nor frowning height,
Can check or turn a foot to flight
These iron-hearted men.

Across the flats of stinging sands,
Through thickets, woods and sere uplands,
Their weary pathway shows;
Toward some far post of logs and stakes,
Deep hidden in the willow brakes,
Right onward still it goes.
Persistently, an emblazed track
Bent from the cheerless bivouac

Of some poor, prairie Indian band,
Whose chill and flimsy tepees stand
Half buried in the snows.
Yet what of costly merchandise
That wealth may covet, commerce prize,
Could these adventurers wring
From that ill-fed barbarian horde
Will be to them a sweet reward
For all the risk and toil and pain
They've suffered on the winter's plain
Amid their journeyings.

Ah, wealth enough such tepees hold,
Though not of silver or of gold,
To rouse the white man's longing greed
And send his servants forth with speed
The treasure to unfold.
The trinkets cheap these traders brought
The savages have dearly bought.
Persuaded guilelessly to pay
A ten times doubled usury
In furs of beavers and of mink;
Of silver fox and spotted lynx;
For all their rich and varied store
Of peltries, gathered from the shore,
The wood, the prairie and the hill,
By trapper's art and hunter's skill
The trader's heavy packs now fill.

A journey far those furs must go,
From these wild fastnesses of snow.
By travois, pack and deep bateau;
By keel-boat, sloop and merchantman,
Till half a hemisphere they span
Ere they will lie, at last, displayed
By boulevard and esplanade,
In Europe's buzzing marts of trade.
These martin skins so soft and warm
May wrap some Russian princess' form
And shield her from the Arctic storm
That howls o'er Kroonstadt's Bay.
That robe, a huge black bear which dressed,
May cloak some warrior monarch's breast
As, gazing o'er the battle crest,
He sees the foemen's legion pressed
In panic from the fray.

But it is not the destinies
Which may, perchance, beyond the seas,
Await these rare commodities
That chiefly signify.
Though king and knight and fair princess
Should drain the Northwest wilderness
Of all its savage tribes possess,
Their pride to gratify.
But this—that in the storm tonight,
Through cloudy gloom, through pale moonlight,
Two men still press along,
Not hiding as the wolf and hind
From blinding snow and bitter wind,
Nor like the Indian crouching low
Above a brush-fire's feeble glow,
But vigorous and strong,
Hasting their bidden task to close
Whatever obstructions interpose,
And parrying fortune's adverse blows
Right gaily, with a song.

Plains of the mighty virgin West,
Plains in cold sterile beauty dressed;
Your time of fruit draws near!
Creatures of thicket, vale and shore,

HISTORY OF DAKOTA TERRITORY

Tribes of the hills, your reign is o'er;
The conqueror is here!
His foot prints mark your secret grounds,
His voice upon your ear resounds,
His name, unto your utmost bounds,
Is one of strength and fear.
The magic of his virile powers
Shall change your desert wastes to bowers,
Your nakedness to shade;
Shall stretch broad rustling ranks of corn
Along your stony crests forlorn;
And wheat fields, dappling in the sun,
Where your mad autumn fires have run,
The trails your bison made
Shall grow beneath his hurrying feet
To highway broad and village street,
Along whose grassy sides shall sleep
Meadows and orchards, fruited deep;
Homesteads and schools and holy fanes,
To prove that o'er the vanquished plains
At last, the Lord Jehovah reigns,
Whose power shall never fade.

CHAPTER VIII

INDIAN WAR—BRITISH TRADERS STIR UP TROUBLE

FIRST BATTLE ON DAKOTA SOIL BETWEEN UNITED STATES TROOPS AND INDIANS—
HOW IT HAPPENED—COLONEL LEAVENWORTH CHASTISES THE ARICKAREES—
THE YANKTON INDIANS AID GOVERNMENT FORCES—MISCHIEVOUS INFLUENCE
OF BRITISH TRADERS—AMERICAN OFFICERS CRITICISE THE INGRATE FOREIGNERS
—FIRST INDIAN PEACE COMMISSION.

The first battle between the United States troops and the Indians to occur on what is now Dakota soil took place on the 10th of August, 1823, near the mouth of the Grand River, which empties into the Missouri from the west near Wakefield, Carson County, and near the state boundary. The United States troops engaged were a detachment of riflemen and infantry commanded by Lieut. Col. Henry Leavenworth, of the Fifth United States Infantry. His command numbered 200 soldiers, and in addition a large number of trappers, traders and frontiersmen, who were volunteers for this engagement only, and also several hundred Yankton Indians. The enemy were the Arickaree Indians, who had their villages on the banks of the Missouri, near Grand River, and also on an island near the same locality. These Indians had borne the reputation of a friendly tribe and inclined to a peaceful life. They were not nomadic in their tribal life, but built permanent villages, cultivated the soil in a crude way and raised corn, beans, pumpkins and potatoes, and traded these articles to other Indians for furs and peltries, which, in turn, they bartered with the white traders for such articles as they desired to have and could procure. They also trapped and hunted, in addition to their agricultural employment. An occasion and temptation came to these Arickarees to perpetrate an act of serious hostility in the month of May, 1823. William H. Ashley, of Missouri, a licensed trader, was descending the Missouri River with a number of small mackinaw boats loaded with furs and peltries, on the way to St. Louis. He had in his company about ninety men. Regarding the immediate outbreak, Mr. Ashley reported the facts five days later to Colonel Leavenworth, at Council City (Council Bluffs), dating his report aboard "The Keelboat Yellowstone, 25 miles below the Arickaree villages." He says that he arrived at the Arickaree villages on the 30th of May, and that the chiefs invited him to stop and trade with them. He was desirous of procuring some horses for a journey up the Yellowstone, and finding that the Indians had some animals to dispose of, he halted, made the Indians some presents, and made arrangements to purchase forty or fifty horses. The Indians were apparently friendly disposed, though they spoke of some recent differences with the Americans in which a son of one of the Arickaree chiefs had been killed, but they had concluded to overlook that offense because they regarded the Americans as their friends. The following day was passed in negotiating the horse trade satisfactorily. The horses were delivered and placed in charge of forty men of Ashley's force, and plans were made to get an early start the following morning. Mr. Ashley continues:

"About half past three in the morning I was informed that one of my men had been killed, and in all probability the boat would be immediately attacked. The men were all under arms and so continued until sunrise, when the Indians commenced a heavy attack."

from a line extending along the picketing of their towns, about six hundred yards in length. In about fifteen minutes from the time the firing commenced the surviving part of the men embarked, nearly all the horses killed or wounded; one of the anchors had been weighed, the cable of the other cut and the boats dropping down the stream." His losses he gives at twelve killed and eleven wounded; and says seven or eight Indians were killed. Ashley asks Colonel Leavenworth to send a force to punish the Indians and tells the military commander that "their towns are newly picketed in, with timber from six to eight inches thick, twelve to fifteen feet high, dirt on the inside thrown up about eighteen inches. They front the river where there is a large sandbar, forming two-thirds of a circle, at the head of which where the river is very narrow, they have constructed a breast-work of dry wood. The ground on the opposite side of the river is high and commanding."

The hostile force numbered about six hundred warriors, three-fourths of them armed with London fuzees and the remainder with bows and arrows and war axes. Ashley tells the colonel that he expects Major Henry, another trader from above, very soon, and that his own party then numbers but twenty-three effective men.

This Mr. Ashley was a man of enterprise and courage, and resolved to continue his efforts to bring about the punishment of the Indians who had assailed him in such a treacherous and summary manner. He dropped down the river to near the mouth of the Cheyenne, where he was joined, probably in July, by the Major Henry spoken of above, who had passed the hostile villages successfully and without being attacked.

The combined forces went into camp here while Ashley made a trip down the river to about where the capital of South Dakota is now located, thinking to purchase horses from the Sioux. Here he learned that Colonel Leavenworth was on his way up the river at the head of a force of 200 men to punish the Arickarees. He then returned to his camp, where he intended to join Leavenworth's expedition with eighty men, forty men having been secured from the Missouri Fur Company. A camp of Yankton Indians numbering four or five hundred were also in the vicinity who had volunteered to join the whites, which would make a mixed force of about eight hundred, sufficient to destroy the hostiles. Colonel Leavenworth's expedition arrived in due time and was joined by Ashley's conglomerates, made up of the trappers, traders and Yankton Indians, whom Leavenworth does not regard as entirely trustworthy, for in a letter to the United States Indian agent, O'Fallon, at Fort Atkinson, he says: "These Yanktons appear to be zealously determined to cooperate with us, but I have some doubts as to the continuance of their ardor." Leavenworth's expedition reached the Arickaree villages on the 9th of August. The Yankton Indians, who were in the advance, were met by the Ricaras a short distance from the towns, and a skirmish took place, the Ricaras forcing the Yanktons back upon the regulars and Ashley's men, and by this time the Indians had become so intermingled that Leavenworth declined to order his forces to fire, fearing that they would kill his friendly Indians. The military operations of that day appear to have ended with this skirmish, but on the morning of the 10th, Colonel Leavenworth's artillery having arrived by boats, a company of riflemen and a company of infantry took possession of a hill to the north of the upper village within three hundred feet of the town. An attack on the lower town was also undertaken, aided by a six-pounder cannon and a 5½ inch brass howitzer. The assault was kept up with energy until 3 o'clock in the afternoon, the Yankton Indians in the meantime being industriously engaged in securing the spoils of war by carrying off the Ricaras' corn. Towards evening a party of Yanktons were discovered holding a council with the enemy on a hill above the upper village, and it was discovered that they were quietly withdrawing from the field though not having announced such an intention. Firing on the part of the troops ceased about 4 o'clock, when the Ricaras sent out an embassy to ask for peace, stating that the first shot from the cannon had killed their chief "Grey Eyes," who had caused all the trouble, and that we had killed a great many of their people and their horses.

Colonel Leavenworth in his report says:

They were evidently very much terrified and completely humbled. Being convinced of this and supposing that the Government would be better pleased to have them corrected than exterminated and as the Sioux in a very strange and unaccountable manner, had left us, it was thought best under all circumstances, to listen to the solicitations of the Ricaras for peace, especially as it was understood that our round shot were nearly all expended. Consequently a treaty was made with them and the next two days was occupied in arranging its terms.

Under this treaty the Indians agreed to recognize the United States Government as their rightful sovereign, and to remain true and faithful in their allegiance to the republic, to live at peace with the white people and to commit no depredations upon the persons or property of the whites who came among them to trade and barter. To deliver over to the military power of the Government all offenders among their own people against the persons and property of the whites, for trial and punishment, and to seek peace with their neighboring and other tribes. The Government agreeing to protect the Arickarees so long as they fulfilled their agreements faithfully and to look after their welfare and to guard them against the imposition, fraud and violence of the whites; the Arickarees not to take the law into their own hands to punish such offenders, but to deliver them over to the military, report the facts of their grievance to a licensed trader or to the military authorities who would investigate the charge and punish the offenders.

General Ashley's property was restored and although there was some complaints that the Indians had kept back some articles, the principal chief, who was now "Little Soldier," insisted that all had been turned back, while he made presents of buffalo robes and protested that he could do no more. Leavenworth assured him that he would not further be disturbed, that his property was not wanted, to faithfully observe his treaty engagements and there would be no further trouble. But it would seem that the Indians had little faith in these assurances or in their treaty, for during the following night they evacuated their villages, and made haste to put as great a distance as possible between themselves and the little army. The next morning the soldiers entered the villages but did not disturb them. They found from the best evidence obtainable that not less than fifty of the Ricaras had been killed and a much greater number wounded. Troops were sent out to find the fugitives bearing this message to them:

Ricaras—You see the pipe of peace which you gave to me in the hands of Mr. Charbonneau, and the flag of the United States. These will convince you that my heart is not bad. Your villages are in my possession; come back and take them in peace, and you will find everything as you left them. You shall not be hurt if you do not obstruct the road or molest the traders. If you do not come back there are some bad men and bad Indians who will burn your villages. Come back and come quickly. Be assured that what I say is the truth.

H. LEAVENWORTH,
Colonel U. S. Army.

The message bearer, however, returned without finding the fleeing band. The Ricarees had left the mother of their fallen chief "Grey Eyes" in one of their principal lodges, giving her water and provisions, she being the sole occupant of the town. She was an old woman and according to the custom of many tribes she was abandoned because she would require too much attention and assistance if taken along. Leavenworth did not disturb her nor anything else belonging to the Indians, believing that possibly they might return and he was desirous that they should find their property just as they left it. The troops then embarked for home, leaving the old squaw, the sole occupant of the villages. Before the command had passed out of the sight of the villages, however, they were discovered on fire and it was supposed they were totally destroyed. The burning was undoubtedly the work of incendiaries and Leavenworth thought the guilty people were a partner and clerk of the Missouri Fur Company.

There was a purpose in this military expedition beyond the mere punishment of the Indians for their attack upon the Ashley party. It will be noted that this difficulty occurred but a few years following the close of our second war with Great Britain, and the cause of it was ascribed to the mischievous and rapacious counsel and misrepresentations of the British traders of the Hudson's Bay Company, who lost no opportunity to prejudice the savages against the United States and the American traders. Here is the view taken of the situation by General Gaines, then in command of the western department, headquarters at Louisville, Ky., in a letter to secretary of war, John C. Calhoun:

I am convinced from what you have said and written upon the subject of our western Indian relations that I need not point out to you the evils that must result from our being compelled to recede from the position we have taken, and give up our trade and intercourse with those distant nations. The trade itself, however valuable, is relatively little or nothing when compared with the decided advantage of that harmonious influence and control which is acquired and preserved in a great degree, if not wholly, by the constant friendly intercourse which the trade affords, and by which it is principally cherished and preserved. If we quietly gave up this trade, we shall at once throw it, and with it the friendship and physical power of 30,000 warriors, into the arms of England, who has taught us in letters and blood (which we have had the magnanimity to forgive, but which it would be treason to forget) that this trade forms rein and curb by which the turbulent and towering spirit of these lords of the forest can alone be governed. I say alone, because I am decidedly of the opinion that, if there existed no such rivalry in the trade as that of the English with which we have always been obliged to contend under the disadvantages of restrictions such as have never been imposed upon our rival adversary, we should with one-tenth of the expense and force to which we have been subjected, preserve the relations of peace with these Indians more effectually than they have been at any former period. But to suffer outrages, such as have been perpetrated by the Ricaras and the Blackfeet to go unpunished, would be to surrender the trade and with it, our stronghold upon the Indian, to England.

Agent O'Fallon is another witness who testifies of the pernicious and mischievous influence of the British traders upon the American Indians. He says, reporting a hostile act of the Blackfeet:

Many circumstances have transpired to induce a belief that the British traders (Hudson Bay Company) are exciting the Indians against us, to either drive us from that quarter, or reap with the Indian the fruit of our labor. I was in hopes the British Indian traders had some bounds to their rapacity. I was in hopes that during the late Indian war, in which they were so instrumental in the indiscriminate massacre of our people, that they were completely satisfied with our blood; but it appears not to have been the case. They ravage our fields and are unwilling we should glean them. Like the greedy wolf, they devour our flesh, then quarrel over the bones. Although barred by the Treaty of Ghent from participating in our Indian trade, they presume to do so. Alarmed at the individual enterprise of our people, they are exciting the Indians against them. They furnish them with the instruments of death and a passport to our bosoms.

It is not pleasant to refer to the perfidious character of these British traders, who forgetful of the gratitude they owed to the Government of the United States for tacitly permitting them to trade in the country, endeavored to provoke the deadly hostility of these savage nations upon the Americans by insidiously arousing their jealousy and anger somewhat as Iago played upon the confiding trust of the honest Othello. These Hudson's Bay emissaries knew what the effect of their teachings would be—they knew it meant the massacre of American traders, and they were just as guilty of these murders as if they had personally wielded the instruments of destruction or participated in the cruel tortures which the savages resorted to. They were accessories before the fact. They planned the diabolical outrages, then viewed their bloody enactment with gratification, from a safe refuge. To what depths of sordid diabolism had the greed for wealth sunk the governors and subjects of the Hudson's Bay oligarchy. The summary punishment of these Ankarée Indians was designed more to impress them and all the tribes with the power and authority of the United States than as a punishment. The British traders had never missed an opportunity to belittle the authority of this Government with the Indians and to weaken their allegiance

and alienate their friendship until it had become a serious question whether an American trader was safe in the country. The fur trade was one that had then engaged millions of American capital and thousands of American citizens and must be protected, and the Indians taught that the Great Father was in fact the ruler as well as the owner of the soil and could punish as well as protect them. The Ashley difficulty was only one of many that was laid at the door of British intrigue and intermeddling.

FIRST INDIAN PEACE COMMISSION

In 1825 the first Indian peace commission was formed under Brig. Gen. H. Atkinson, of the United States Army, and the superintendent of Indian affairs on the Upper Missouri, Benjamin O'Fallon, who was resident agent at Fort Atkinson, a few miles above the present City of Omaha. The commission rendezvoused at Council City, near Council Bluffs, and had, in addition to its commander and O'Fallon, A. L. Langham, secretary; also Colonel Leavenworth, Maj. S. W. Kearney and Maj. Daniel Ketcham; Capt. Wm. Armstrong, Capt. Benj. Riley, Capt. John Gantt, Capt. G. C. Spencer, Capt. R. B. Mason, R. H. H. Stuarling, James W. Kingsbury, Levi Huney, Thomas Neel, J. H. Enger, M. W. Batman, Thos. P. Guynne, Geo. C. Huwer and W. Harris; Surgeon John Gale; Adjutants S. Wryz, and R. M. Coleman. Also William Day, A. S. Miller, G. H. Kennerly and P. Wilson, Indian agents; Antoine, Joseph and Pierre Garreau, interpreters; Edward Rose, Colin Campbell and Touissant Chaeneau, guides and interpreters. The escort was composed of 476 men. The expedition had a fleet of eight large boats, rigged with all the appliances for sailing, rowing and towing, and of sufficient capacity to accommodate the entire force and its equipment and provisions. A troop of forty mounted men traveled along the river bank. The expedition left Council City about the middle of May, 1825, and proceeded without unusual event to the village of the Ponca Indians at the mouth of the Niobrara River, where a grand council was held and a treaty of amity concluded.

The next stopping place was at Fort Lookout, near the present Town of Chamberlain, where a treaty of peace was made with representatives of three tribes of the Sioux, the Yanktons, Yanktonnais and Tetons, who had assembled for the purpose, having been gathered together by advance agents of the commission.

This treaty acknowledged the sovereignty of the United States and the right and authority of the Government to regulate all trade and intercourse with them. The United States agreed to receive the Indians into its friendship and afford them protection, and to have due regard for their welfare and to extend to them such assistance as might be necessary for their well-being. The Government agreed to designate certain points in the territory of these tribes where all trade and barter with the Indians should be carried on; and the Indians agreed to trade with none but licensed traders who were American citizens, and who were licensed to trade by the United States; the Indians agreeing to protect the property of such traders, and their persons and those employed by them; and the Indians further promised to arrest any foreigner found trading among them or making an effort to trade, or any unlicensed person, and to deliver such persons to the Indian agents or to the military power. The Indians further agreed to afford safe and a speedy conduct to all persons who may have occasion to pass over their country, having authority from the Government so to do, and to protect all agents of the Government sent to reside among them. The treaty further provided:

That the friendship which is now established between the United States and the Yankton, Yanktonnais and Tetons bands of Indians shall not be annulled by any act of individuals, and it is agreed that for any injuries done by individuals, no private revenge or retaliation shall take place, but instead thereof complaint shall be made by the party to the superior

agent of Indian affairs or other person appointed by the President; and it shall be the duty of the chiefs upon complaint being made, to deliver up the person or persons against whom the complaint is made, to the end that he or they may be punished agreeably to the laws of the United States. And if any offense, or robbery, or murder, shall be committed by any white person on any Indian belonging to the bands who are parties hereto, the person committing shall be punished, when found guilty, the same as if the offense had been committed against a white person. And it is agreed that the chiefs of the tribes here represented shall, to the utmost of their power, exert themselves to recover horses or other property, which shall be stolen or wrongfully taken from any citizen of the United States, by any individual of said tribes; and the property when recovered shall be turned over to the agent or person authorized to receive it, in order that it may be restored to its owner. The United States further guarantees to indemnify the Indians of said tribes, in full, for all losses of horses or other property that may be stolen from them by persons who are citizens of the United States; Provided, That said property cannot be recovered, and that proof is furnished of a satisfactory character, showing that the offense was committed by a citizen of the United States. And said Teton, Yankton and Yanktonnais bands of Indians agree to deliver up to the said United States authorities, when so required, any white man resident among them. And the chiefs and warriors of said tribes engage, on behalf of their respective tribes, that they will never furnish guns, ammunition, or other implements of war, either by trade, exchange, or as presents, to any nation or tribe of Indians not in amity with the United States Government.

Done at Fort Lookout, near the Three Rivers of the Sioux Pass, this 22d day of June, A. D. 1825, and of the independence of the United States the forty-ninth. In testimony whereof, the said commissioners, Henry Atkinson and Benjamin O'Fallon, and the chiefs, headmen and warriors of the Teton, Yankton, and Yanktonnais bands of Sioux Indians, have hereunto set their hands and affixed their seals.

H. ATKINSON, Brigadier-General U. S. Army.
BENJAMIN O'FALLON, U. S. Agent Indian Affairs.

YANKTON REPRESENTATIVES

Maw-too-sa-be-kia, The Black Bear (Smutty Bear).
Wa-kan-o-hig-man, The Evil Medicine.
Cha-pen-ka, The Mosquito.
Eta-ken-u-ske-an, The Mad Face.
To-ka-oo, The One That Kills.
O-ga-tee, The Fork.
You-i-a-san, The Warrior.
Wah-ta-kan-do, One Who Comes From War.
To-qui-in-too, The Little Soldier.
Ha-an-shah, The Ioway.

TETON REPRESENTATIVES

To-tan-ga-guen-ish-qui-nau, The Mad Buffalo.
Ma-to-ken-do-ha-cha, The Hollow Bear.
E-gue-mon-wa-con-ta, One That Shoots At The Tiger.
Jai-kan-kan-e, The Child Chief.

YANKTONAIS REPRESENTATIVES

Shawa-non-e-etak-ah, The Brave.
Man-to-dan-za, The Running Bear.
Wa-can-gue-la-sas-sa, The Black Lightning.
Wa-be-lah-wa-kan, The Medicine War Eagle.
Cam-pes-ca-ho-ran-co, The Swift Shell.
Na-pee-mus-ka, The Mad Hand.
Ma-pee, The Soldier.
Moo-wih-gah-huk, The Broken Leg.
Cee-cha-ha, The Burned Thigh.
O-kaw-see-non-ge-ah, The Spy.
Ah-kee-chee-ha-cha-go-la, The Little Soldier.
Ta-tun-ga-see-ha-hub-e-ka, The Buffalo With the Long Foot.

Following this, treaties of like tenor were made with other Sioux tribes, namely: the Cheyennes, Ogalallas, Arickarees and Uncpapas; when the expedition proceeded up the river, halting at Bad River, Cheyenne, and the Arickaree villages, as far as the mouth of the Yellowstone, from which point it retraced its journey without incident to Fort Atkinson. It must be added to the great credit of the Indians who were parties to these treaties that they observed their

agreements with almost scrupulous fidelity, better, if anything, particularly in promptness than did the agents of the Government in many cases and gave little occasion for complaint up to the time when in 1854, the unfortunate and avoidable trouble at Fort Laramie gave occasion for the Harney expedition, the Battle of Ash Hollow in Nebraska, the march to the Missouri, and the establishment of Fort Randall.

The Dakotah nation of Indians while they were the most warlike and the most dreaded of all the Missouri Indian tribes, seem to have abstained from any serious quarrel with the whites during the period of time covered by the first half of the nineteenth century. It would seem that their hostility was finally awakened near the beginning of the latter half of that period by the steady encroachment of the whites upon their domain when they began to realize that the aggressions of civilization were imperilling their freedom and restricting them of liberties that had been theirs for generations.

In the year 1838, Professor Nicollet, a famous French geologist, with John C. Fremont, celebrated in the annals of this country as the "Pathfinder," afterward, in 1856, the first candidate of the newly formed republican party for the office of President, visited parts of Minnesota and the famous Red Pipestone Quarry. On this scientific exploring trip an inspection was made of the region east of the St. James River, and Fremont gave names to a number of lakes, including Lake Benton, Lake Preston and Lake Poinsett, in honor of the secretary of war. Benton was a senator from Missouri, and Preston a senator from North Carolina. In 1839 a second expedition was undertaken, the purpose being to explore the Dakota country west of the James River, and particularly the James River Valley north. It was headed by Professor Nicollet, with Fremont as topographical engineer and under the direction of the War Department. The party journeyed by the Missouri River, having chartered Choteau's pioneer steamboat, the Antelope, and left St. Louis early in May.

At Fort Pierre the party abandoned their boat, made their necessary preparations and struck across the plains, reaching the James River near the Dirt Lodges (near Ashton, Spink County), thence north to the source of the stream near Devil's Lake, returning through Minnesota to St. Paul.

CHAPTER IX

FIRST WHITE OCCUPATION OF DAKOTA—CAPTAIN TODD

1856

BEGINNING OF WHITE OCCUPATION OF DAKOTA—SIOUX WAR OF 1855—HARNEY'S MILITARY EXPEDITION AND MARCH TO THE MISSOURI—FORT PIERRE PURCHASED—HIS FIRST GARRISON BY STEAMBOATS—HARNEY'S DISAPPOINTMENT AND INDEMNATION POST NOT SUITED FOR MILITARY PURPOSES—FORT RANDALL LOCATED—FORT CONSTRUCTED—FORT PIERRE ABANDONED—CAPTAIN TODD.

It was comparatively a trifling incident that led to the military expedition under General Harney, which marched from the Platte to Fort Pierre in 1855, and built the military post at Fort Randall, in 1856, bringing with it the men under whose auspices and direction the treaty of cession with the Yankton Indians was to be made, the Territory of Dakota as a political organization erected, and the early years of its career directed. The lands would have been ceded and the territory duly organized had not this incident occurred; but the individuals who composed the pioneers of the Missouri Slope and of Dakota would not have been those who are mentioned in these pages. What a world of difference this would have meant to many who, as they survey the past, and recall the peculiar circumstances and influences that led their steps hither.

In 1853 a hunting village of the Minneconjoux Indians, a tribe of the Sioux, or Dakotah Nation, was established near Fort Laramie on the north fork of the Platte River, on the bank opposite the fort. Two of the young Minneconjoux braves who had visited the fort were detained at the ferry crossing for some trifling reason, and to show their displeasure discharged their guns into the air. They then returned to their village, but they had committed an offense for which the commandant of the fort deemed it necessary to call them to account, and the commander of a fort on the western plains at that day embodied all authority. He could do unwise things without objection or hindrance, and so Lieutenant Fleming, with a squad of soldiers, was sent over to the Indian village to demand the two young braves. The chief at the village told Fleming that the young men were not there at the time; but Fleming refused to believe him, and became so incensed because they were not immediately delivered up, that he ordered his soldiers to fire upon the Indians, which they did, killing three outright. There were a hundred Indians in the camp at the time, but they refrained from retaliating, and Fleming seized a couple of young bucks and took them back to the fort as prisoners. This atrocity laid the foundation for "bad blood." It also incited a desire to emulate Fleming's uncalled for and brutal assault in the breast of Lieutenant Grattan, a young officer who had graduated at West Point during the year, and had been ordered to duty at Laramie. When he heard of Fleming's exploit, he expressed a wish to be sent on a similar errand so that he could win some renown. The time came all too soon for the young lieutenant.

In the following summer (1854) the same tribe of Minneconjoux, with another of about equal numbers, were in camp on the Platte, about eight miles below the fort, waiting for the Government to bring them some annuity goods that they were in need of, and anxious to receive, in order that they might get away on their summer hunting expedition. The agent was long delayed and the Indians began to suffer for supplies. Just at this time a Mormon emigrant passed the Indian camp, having in his outfit a lame cow, which he left behind, evidently intending to abandon her. One of the Indians shot the animal, and he and his friends appeased their hunger. In some way this shooting of the cow was reported at the fort, probably by the Mormon, and it was looked upon as a grave offense for the Indians to shoot an animal belonging to an emigrant. The Indian chief "Bear" went up to the fort to explain the circumstances of the shooting. Lieutenant Fleming was in command, and he told Bear that the only way to settle the matter was to surrender the offender. Bear asked for a little time and went back to the camp, which at this time had received large accessions from other bands who were to unite with the Minneconjoux in their summer hunt, and now numbered all the way from one thousand to fifteen hundred lodges, with women and children. The following morning the offending Indian not being produced, young Lieutenant Grattan, who had expressed his ambition to imitate Fleming's conduct at the Indian village the year before, applied to the commander for the privilege of leading an expedition against the Sioux camp and securing the offending Indian. Fleming gave him an order for seventeen men, and Grattan managed to increase the number by volunteers to thirty-one, well armed and supported by two howitzers. Arriving at the Indian camp Grattan should have realized the danger of any hostile act when he found himself and his small party confronted by over one thousand Sioux warriors who were in the camp. Grattan demanded the immediate surrender of the offending Indian who had shot the lame cow, and when he did not appear Grattan ordered his men to fire. At the same time old Bear, the chief, urged the Indians not to fire on the whites.

The next minute Bear fell mortally wounded by Grattan's soldiers. This maddened the Indians, who rushed upon Grattan's little force and in five minutes, he, with every man of his command, lay dead upon the ground. This event started a conflagration of great proportions. It was reported to the war department that the Indians had treacherously turned murderers and without provocation had massacred a company of United States troops while in the performance of duty. Dispatches were sent to the secretary of war, and that official called upon Congress for authority to raise four regiments of cavalry. Exaggerated and grossly incorrect accounts of the terrible occurrence were printed in the newspapers, and suddenly and without warning a war against the Sioux of Western Nebraska was inaugurated.

The Indians realized that they would be punished as soon as troops could be sent against them, and a portion of the reckless ones abandoned the Platte and fled to the headwaters of the White River and the south fork of the Cheyenne, donned their war paint and committed some depredations upon exposed emigrants. Red Leaf, a brother of Bear, had succeeded to the leadership, and was in command of the war parties. The Government regarded the whole Sioux Nation as having voluntarily and wilfully declared hostilities and the war department made preparations accordingly. The following summer (1855) General Harney, the ablest and most successful of our generals in Indian warfare, was ordered to lead an expedition against the hostiles. He assembled a strong force and met the Sioux on the north fork of the Platte and completely defeated them so that they were glad to sue for peace on any terms. He killed eighty-six of the Indians and wounded seventy others, his own loss being five soldiers. Harney's victory was followed by a treaty of amity which promised to the Indians liberal annuities so long as they observed its provisions faithfully. This battle of Harney's was known as the Battle of "Ash Hollow."

With this accomplished, General Harney, in obedience to instructions, set out for the Missouri River, blazing the first trail from the head of the North Platte by way of the White and the south fork of the Big Cheyenne to Bad River, striking the Missouri River at Fort Pierre late in the fall of 1855.

Corroborating the opinion held by many of the commissioned military men of the Harney expedition, and to some extent entertained by the general himself, that this Ash Hollow conflict might have been avoided had the general followed the dictates of his own judgment instead of the influences of a council of war composed largely of young men, an excerpt from a letter, written in 1885 by Colonel Carlin, of the Fourteenth Infantry, is here copied, giving an account of his adventures while a young lieutenant, during a march with his company in the spring of 1855 from Jefferson Barracks, Missouri, to Fort Laramie. After relating many interesting incidents of the long trip by river and overland, during a portion of the journey in the company of Captain Todd, the troops reached Fort Laramie. Colonel Carlin then relates the Ash Hollow incident, in which he participated:

BATTLE OF ASH HOLLOW

The troops at Forts Kearney and Laramie were subject to the orders of General Harney, and constituted part of the Sioux expedition. "Ash Hollow" is a wide and deep canyon near the Platte River on the old emigrant road passing up the Platte via Fort Laramie. It was across the Platte from Ash Hollow that Little Thunder's band of Sioux Indians were encamped in August, 1855, when General Harney was moving his command to Fort Laramie. The Indians did not seem to expect an attack, or to fear one, and made no demonstration against the troops. It was notorious, however, that the Sioux had been on the warpath since the previous year, when they had killed Lieutenant Grattan, of the Sixth Infantry, and about thirty men who had constituted his command.

Harney was sent out with his troops to punish the Sioux for this massacre. But when he arrived at Ash Hollow and saw Little Thunder's camp before him, he did not at first feel called on to attack the Indians. Such, at least, was the current report of that day. It was his idea that he ought to parley with Little Thunder and have an understanding of his status towards the Government and the white people. There were, however, two officers under his command, one of whom was on his staff, who combatted this idea with all their force and energy. Major Winship, paymaster, was one of them. Capt. Henry Heth, Tenth Infantry, was the other. The report of that day was that Harney was persuaded by Winship and Heth, against his own inclinations and judgment, to attack the camp. It was done. Many women and children were killed and wounded. Doubtless some warriors were killed also. Spotted Tail, since so famous, was in the fight. He was the son of Little Thunder. There was very little said about this affair outside of military circles, and there were many officers of the expedition that did not approve of the attack.

It was soon after this affair that a small force, one company of infantry and thirty men additional, with a little mountain howitzer, the latter detachment under my command, were ordered to proceed under my command to Fort Pierre, in charge of a wagon train. Fort Pierre was on the Missouri River, 325 miles northeast of Fort Laramie. Fort Pierre had for many years previously been an Indian trading post, and had but recently been purchased from the American Fur Company by the war department. It had been just garrisoned by a few companies of the Second Infantry, and was a part of Harney's command. It was his destination for the winter of 1855-56. The wagon train which Capt. C. S. Lovell's command was to escort to Fort Pierre was for the use of Harney's expedition. The march was made in September and October, 1855, through the very heart of the Sioux country, and yet we marched to Fort Pierre and back to Fort Laramie without seeing an Indian. Our route lay across the famous "Mauvais Terres," or Bad Lands. It was interesting to me as I was eager to see new regions, notwithstanding the general monotony of the scenery everywhere between the Missouri and the mountains.

At Fort Pierre I first met Capt. Nathaniel Lyon, Second Infantry, afterwards General Lyon, whom I have ever regarded as the best and bravest soldier and one of the brightest men intellectually that I have ever known. He died too early in the great war for the good of his country, and for his own reputation. If he had lived he would have won fame second to none in the great conflict. He was one of the few men who figured in the great conflict. I saw Lyon once after this visit to Fort Pierre. It was in St. Louis. He and Lieut. Charles Griffin, of the artillery (afterwards General Griffin), were together. They invited me to take a walk southward on Fourth Street. We walked from the Planter's House down to the court house. A great auction sale was in progress at the time. A gentleman of well known name had raised a house and his slaves had to go to the auction block. Among them was a child, one of the number of the family sold about sixty years of age. She was bid out for \$300. This was the last sale of human beings I had ever witnessed. I had read "Uncle Tom's Cabin," Wendell Phillips' speeches, and William Lloyd Garrison's

harangues, but had never fully realized the true character of the institution of slavery till I witnessed the public sale of this family. Lyon and Griffin, I found, were both interested in the question, both strong anti-slavery men, and both really believed that a great conflict was soon to come, and were both fully convinced that the disunionists would be defeated in the end. Both of these brave men lived to see their conviction verified as to the conflict, but Lyon was too daring to live to the end of it. He died at Wilson's Creek, leading a regiment, when he was the commander of an army.

UNION SENTIMENT IN THE ARMY

The winter of 1865-66 was a hard one at Laramie. There were more than twenty young officers who had been compelled to pass the winter there away from their proper commands, in consequence of heavy snows which had interrupted all travel. We had no mails after November till the following spring. There was no amusement except such as cards afforded. It is probable that many young men took their first lessons in draw poker that winter. In those days the slavery question dominated all others in the arena of politics. Officers were discussing the question with each other, and the question of disunion was often referred to. I do not remember hearing any officer, even of southern birth, advocate secession or disunion. At the same time hardly one ever admitted the possibility of a republican President being elected. But I remember one circumstance that occurred that winter that showed how deeply some southern statesmen were interesting themselves at that time in the question of war and of the part the army officers would take in it. It was common rumor that a certain officer of southern birth had questioned his associates with whom he was intimate, on the subject, and endeavored to ascertain which side they would espouse in the event of an attempted dissolution of the Union. This officer subsequently became a prominent Confederate general and was already a reputed favorite of Jefferson Davis. I remember only one reply made to the inquirer by a northern born officer. It was in effect that he would go with the North, as it was certain that the North would pay best; that they had all the wealth of the country and would use it for the protection of their interests and their cause. This was doubtless a selfish view to take of the matter, but it was then only a speculative question, and no one should be held responsible literally for the utterance, which may have been a jesting way of postponing a decision. When the time did come the officer referred to remained true to the Union.

THE PURCHASE OF FORT PIERRE

It seems necessary to digress at this point and return to the beginning of this campaign in order to explain some matters in connection with this march to the Missouri and Fort Pierre. In preparing the plan of the campaign the war department considered that the army's operations would be confined to the country north of the Platte River in Nebraska, east of the Black Hills, south of the Cheyenne River, and west of the Missouri River in Dakota. That not more than seven thousand Indians would be encountered and that it was advisable to have a decisive engagement with the whole body rather than permit them to break up into small detachments; and to this end three rendezvous for troops and depots of supplies were established, viz: at Fort Kearney, and Fort Laramie, Nebraska, and the third at some point on the Missouri River between the White and Cheyenne rivers, in the vicinity of Fort Pierre. As the department had no reliable information regarding Fort Pierre, which at the time was a fur trading post that had stood the wear and tear of time and tempest for twenty-five years, the quartermaster general at Washington about the last of March, 1855, instructed Major Vinton, the quartermaster at St. Louis, to obtain the most reliable information possible as to the suitability of Fort Pierre Chateau, at the mouth of Bad River, for a depot of supplies. Major Vinton seems to have had the means of securing the information desired with little delay, for on the thirtieth of the same month he sent a rough draft of Fort Pierre to Washington accompanying it with a report stating that he had conversed with Mr. John B. Sarpy, the active partner of the firm of P. Choteau, Jr., & Company, and from the conversation he gathered that Fort Pierre was not a suitable post for a depot of supplies for any considerable force. He says the fort itself is small and is located in the "mauvaise terre" (Bad Lands) where for hundreds of miles there is no grass that can be made into hay; no good ground for corn and fodder and no fuel for twenty miles; and although his opinion is very unfavorable he feels compelled to state that there is no other point on the river more eligible.

A few days later, however, Mr. Vinton had met a Mr. Picotte, probably the Yankton pioneer and an old employee of the American Fur Company, from whom he received a statement that flatly contradicted that of Mr. Sarpy, and this statement Mr. Vinton sent forward to the quartermaster general. Picotte's statement seems to have agreed with the views held by the war department officials, who at once resolved to secure Fort Pierre, and on the 13th day of April an agreement was made between Charles Gratiot, representing the firm of P. Choteau, Jr., & Co. and Quartermaster General Jesup of the United States army, whereby Choteau was to sell to the United States the "trading establishment on the Missouri River, known as Fort Pierre," for \$45,000, together with the buildings within and around the picket of the fort and the lumber and material, as well as an island in the vicinity, and give possession by the 1st of June, 1855.

The orders for the movement of the Harney expedition were issued March 23, 1855, and provided that four companies of the Second Infantry at Carlisle Barracks, Pennsylvania, and two from Fort Riley, should proceed up the Missouri River in boats and establish a military post near Fort Pierre. This was a few days before the old trading post was purchased. The remainder of the expedition, consisting of about one thousand troops, dragoons, infantry and artillery, gathered at Forts Kearney and Laramie, in Nebraska, where the hostilities were to be punished. Owing to those impediments to navigation for which the Missouri was notorious, coupled with the mistakes of the officials in selecting unsuitable boats for the upper river channel, a great deal of difficulty and vexatious delays were experienced in getting the troops and supplies to their destination. One boat, the *Australia*, sank in nine feet of water. Two boats, the *William Baird* and *Grey Cloud*, were purchased by the Government on account of their light draught, but both were compelled to discharge part of their cargo at Niobrara and again at White River, taking the remainder to Fort Pierre and then returning for the portions left at these points.

The first boat to reach Fort Pierre was the *Arabia*, July 7th, carrying Company G, of the Second Infantry, numbering 100 officers and soldiers. A few days later the *Grey Cloud* reached the landing with eighty-two men of Company A and supplies and the *William Baird* with eighty-four men of Company I, under command of Capt. Henry W. Wessels, Second Infantry. During the following week Maj. W. R. Montgomery, the regimental commander, and Major Gains, of the pay department, Capt. P. T. Turnley of the quartermaster department, Captain Simpson, commissary of subsistence, Asst. Surg. T. C. Madison and Lieut. G. K. Warren, of the topographical engineers, arrived. These officers formed the first military officials of Fort Pierre with Major Montgomery in command.

On the 2nd day of August, Capt. Nathaniel Lyon, with Company B, Second Infantry, thirty-seven men, and Company C, thirty-five men, arrived on the steamboat *Clara*, and on the 19th of August Capt. William M. Gardner, with two officers and eighty men, arrived on the steamboat *Genoa*.

This garrison was the furthest advanced of any that had been sent to the frontiers, its distance from St. Louis being given at 1,525 miles. The nearest postoffice at that time was Council Bluffs, though one was established at Sargent's Bluffs and Sioux City that winter.

The military officers were very much dissatisfied with Fort Pierre. A council was held to inspect the place and found the whole establishment in "bad order, bad condition and bad repair," the buildings so dilapidated that they would have to be rebuilt—everything in fact nearly worthless, and estimated that it would require \$22,000 to put the establishment in anything like the conditions called for under the agreement of purchase. Maj. Chas. E. Galpin was there as the agent of Choteau to turn over the property. In replying to the complaint, he said his company was selling a trading post, not a military post—that it was all it had been represented to be. Finally the government paid the \$45,000 agreed upon.

General Harney with his command, consisting of four companies of the Second Dragoons, five companies of the Sixth Infantry, one of the Tenth Infantry

and Light Battery G, of the Fourth Artillery, arrived on the 19th of October, 1855, expecting to go into winter quarters at Pierre. The troops that had previously reached there by river were the six companies of the Second Infantry. Recognizing the impossibility of wintering this force at Pierre, General Harney sent four companies of the Second Infantry under Major Wessels to a point five miles above on the east bank to establish a winter camp. The two other companies of the Second with two troops of the dragoons were sent to a point eighteen miles above, also on the east, under Captain Gardner, who established Camp Miller; four companies of the Sixth Infantry under Major Cady to a point ten miles above, named Camp Bacon; and Major Howe with a troop of dragoons and fifty men of the Second Infantry to a point far below between the White River and the Niobrara, where they established Camp Canfield. The whole number of officers and men in the command was given at 900. General Harney's reports to headquarters exhibit the utmost dissatisfaction with nearly everything that had been done by the Missouri division of his expedition. He finds at Pierre neither grass, nor fuel, nor accommodations, and after enumerating a number of unfortunate things, concludes by stating that the most unfortunate of all was the absence of an officer of energy, experience and industry.

After disposing of his forces as best he could, the general set about finding a suitable location for a permanent military post, although he had been directed to cause a military reservation to be laid off about Fort Pierre. This duty he intrusted to Lieut. G. K. Warren of the Topographical Engineer Corps, who went ahead and surveyed out an area of 270 square miles, or about 175,000 acres, in order to secure about ten thousand acres of good timber and hay land, but the commander had determined that Pierre was not the place for the permanent post and the following winter and spring of 1856 were employed in reconnoitering the river for a suitable location. Fort Lookout on the west bank, near the present town of Chamberlain, was at one time decided upon and was occupied during the winter as headquarters, and arrangements for the removal of the buildings at Fort Pierre to that post were partially made; when in the month of June Harney discovered a site on the west bank of the Missouri thirty miles above the mouth of the Niobrara River that met his requirements, and notified the War Department of his selection, suggesting that the post be named Fort Randall as a token of respect to the memory of Daniel Randall, late a colonel and paymaster general of the army. This disposed of this very important affair, which had occupied the attention of the commanding general for nearly eight months. In the meantime the troops that had come in with the expedition had been quartered at various points and had been subject to frequent assignments caused by the difficulty of procuring supplies and not from any hostility on the part of the Indian tribes, who were perfectly disposed to peace.

Fort Lookout, though deemed to be lacking in the requirements for a permanent military post, became the temporary abode of numerous bodies of troops during the years 1856 and 1857 and Fort Pierre with a strong garrison remained headquarters during the same period. Capt. Nathaniel Lyon was in command at Fort Lookout. Fort Randall, however, was designed to be the permanent military post and depot of supplies for all the Upper Missouri country. When completed it seemed to form the final link in the chain of military establishments that partly encircled the frontier of the Northwest. Fort Leavenworth had been built in 1827 and seems to have supplied all that was necessary in the way of a depot of supplies for twenty years, when in 1848, Fort Kearney, in Nebraska, was erected, probably demanded by the increasing Mormon emigration and commerce between the States and Salt Lake. This was followed a year later by the Government purchasing the American Fur trading post on the North Fork of the Platte River called Fort Laramie, which was converted into a strong military post. About 1852 Fort Ridgely, at the head of the Minnesota River, was established, and Fort Riley at the junction of the Smoky Hill and Republican rivers in Kansas was built. It would seem that a depot of supplies, with a suitable garrison, should

have been established in this Upper Missouri country long before the coming of General Harney, but it was not done, though frequently recommended by military men even as far back as the period of Lewis and Clark's exploration, so that Fort Randall became the first military establishment on the Upper Missouri country, and was designed to furnish the link which completed the chain from Fort Ridgely in Minnesota around by way of Laramie to Riley and Leavenworth, and while it was the last of the old frontier forts it was the first of a new line of forts to follow in a few years along the Missouri River reaching to Fort Benton.

About the last of June, 1856, the first troops reached the site of Fort Randall. They consisted of eighty-four recruits of the Second Infantry under command of Lieut. George H. Pauge, regimental quartermaster, and First Lieut. D. S. Stanley, of the First Cavalry, who laid out the fort and built the first barracks. In August following, companies C and I of the Second Infantry and D, C, H and K of the Second Dragons reached there, commanded by Col. Francis Lee, of the Second Infantry, and formed the first garrison of the post with Colonel Lee in command.

In the spring of 1857 Fort Pierre was practically abandoned as a military post and its military stores removed to Fort Randall on the steamboat D. H. Morton, which had been sent up the river for this purpose. The fur trading firm of D. M. Frost & Co. of St. Louis, who had been trading at Pierre and at other points in the upper country, was given charge of the United States property, consisting principally of the buildings and material at Fort Pierre and also at Fort Lookout, which had likewise been abandoned. Maj. Charles E. Galpin, who was in the employ of the American Fur Company at the time, took the contract for taking down and removing a portion of the buildings at Pierre and Lookout to Fort Randall. In this he was assisted by Mr. Dupuis, an independent trader, and so much interested in the improvements begun in that year at Yankton that he selected enough of the best cedar logs from the old fort at Pierre to make a raft and floated them down to Yankton, where they were used in the construction of the first trading post for Frost, Todd & Company.

Fort Pierre was continued as the abode of a small force of troops under command of Captain Lovell, Company A, Second Infantry. Capt. Alfred Sully, Company F, of the same regiment had marched across the plains in 1856, from Fort Ridgely, Minnesota, to Fort Pierre, and with Lovell's forces formed the Fort Pierre garrison until 1858, when the post was altogether abandoned and Sully returned to Fort Ridgely or Fort Abercrombie in Dakota. Captain John B. S. Todd of Company A, Sixth Infantry, who came with General Harney, remained at Fort Pierre during the winter of 1855-6, and resigned his commission on the 16th day of September, 1856, to take up a business career. He was appointed sutler at Fort Randall immediately after quitting the army, at which time, 1856, the firm of Frost, Todd & Co. was organized at Sioux City.

At the breaking out of the War of the Rebellion in 1861, Fort Randall was garrisoned by five companies of the Fourth Regiment of Artillery under the command of Lieut.-Col. John Monroe. In May of that year three companies of the command were sent East to be used in putting down the insurrection of the seceding states, leaving but two companies under Capt. John A. Brown, of Maryland, in command of the post. And these were now the only troops left of all of Harney's forces in this upper country. They had been withdrawn and distributed at various frontier posts, by the secretary of war, John B. Floyd, known to be in sympathy with the rebellious states, and a very large proportion of the officers had already cast their fortunes with the Confederacy. Captain Brown, who was in command at Randall, was inclined to favor the Union cause, but it is said that he was influenced by the tie of marriage and against his inclinations, to join the Confederates. He left the post without permission and the next heard of him was his resignation sent to Washington from the South, in July. Fort Randall was thus left in command of Second Lieut. T. R. Tammatt, of the Fourth Artillery, the only commissioned officer at the post. This officer was a staunch Union man and remained in charge of the post until the following winter. The



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post was surrounded by Indians whose loyalty to the Government had been seriously impaired by the counsel and influence of agents of the South and the disloyal military officers who had been stationed here and had frequent and unrestricted intercourse with them for several years. Tannatt conducted the public affairs very creditably, and in December, '61, was relieved by three companies of the Fourteenth Iowa Volunteers under Capt. Bradley Mahana, of Iowa City. Lieutenant Tannatt and the two companies of artillery were then ordered to Louisville, Kentucky, where his companies were united to form a light battery and as such performed most heroic and valuable service for the Union cause.

While Fort Pierre, as it existed from 1832 to 1858, had been demolished, its name remained and has continued to have a local habitation up to this day, and will doubtless become more celebrated as an emporium of commerce and the seat of various institutions possibly for centuries to come. But its local habitation has been changed. The site of the old fort was abandoned when its buildings were finally demolished, but the name attached to another locality near by where Joseph La Fromboise had built a trading post, at first known as Fort La Fromboise and afterwards called Fort Pierre.

That vicinity continued to be a favorite trading ground for the Indians of the western portion of the territory, and the American Fur Company had maintained two trading posts in the neighborhood of the mouth of the Cheyenne after disposing of Fort Pierre to the Government in 1855. When the early Government agents were sent up the river to distribute gifts and pay annuities to the Indians which began with annual regularity about 1857, the principal point for assembling the Sioux on the west of the Missouri was known as Fort Pierre, but was in fact the La Fromboise post. Subsequently when the settlement of the country was so far advanced as to demand a trading center for the civilized whites, a town was laid out at the mouth of Bad River and the City of Fort Pierre has grown up there with all the attendant advantages of modern cities, including schools and churches, and has enjoyed a very prosperous career. Three of the Mathieson boys, who were among the young lads of early Yankton in the '60s, George, and Richard, were among the founders of this town, and are yet to be found among the leaders of its best enterprise. These boys including the youngest son, Robert, with their mother, were survivors of the Spirit Lake, Iowa, massacre, led by Inkapaduta, in 1857. Mr. Mathieson, the father, was killed in that dreadful slaughter.

Starting with that insignificant show of bravado by two thoughtless young Indians back at Laramie in 1853 we find the train of events leading to an Indian war, resulting in Harney's march to the Missouri, the establishment of Fort Randall, the ushering into civil life of Captain Todd, and the pioneer history of Dakota Territory has its beginning, with the Missouri Valley as the theater of the important pioneer movements leading up to the political organization of the territory, and the location of its seat of government. "Behold what a great flame a little fire kindleth."

The foregoing account of the cause of the famous Harney expedition was substantially furnished to President Franklin Pierce by an army officer, who wished to induce the President to pardon a number of the Indians who possibly would have been executed for their crimes committed during the first outbreak of hostilities. The President seemed to believe that the Indians had been "more sinned against than sinning" and granted a full pardon, restoring them to all their annuities.

And here begins the story of the opening up and settlement of the Upper Missouri Valley of Dakota. Capt. John B. S. Todd, who was destined to bear so conspicuous a part in the early history of Dakota Territory, was now in civil life, and resided at Fort Randall with his family. He had charge of the sutler's store as a member of the firm of Frost, Todd & Co., and was beginning to interest himself in those affairs which were to engage his attention during the remainder of his life.

CHAPTER X

GEOLOGICAL DAKOTA—FIRST LAND SURVEYS

GEOLOGICAL—SIOUX FALLS ROCK—THE RED PIPESTONE—THE MISSOURI RIVER AND OTHER WATER COURSES—FIRST GOVERNMENT SURVEYS—ORIGIN OF THE UNITED STATES SYSTEM OF SURVEYS—PRE-EMPTIONS, HOMESTEADS, AND TIMBER CULTURE CLAIMS—PUBLIC LANDS—PRINCIPAL RIVERS AND LAKES.

(BY GEN. W. H. H. BEADLE, WRITTEN ABOUT 1875)

The southern part of Dakota Territory belongs to the Cretaceous group of the Mesozoic system, having shunks and Ammonites as the leading types of its fossils. A general view of Dakota's geology can be had by referring to the generally received theory of the formation of this continent. It had a regular growth. It commenced as an angulated ridge of land, between the region now occupied by the River St. Lawrence and lakes, and Hudson Bay, enclosing the latter in its obtuse angle. This gave general form to the continent, which has grown from this by a succession of upheavals, extending through a long series of ages. The Age of Molluscs saw the continent very small; all the rest an ocean. In the Age of Fishes the area was enlarged, but yet only reached the extreme northeastern and northwestern points of the United States. At the close of the Age of Reptiles the shore line included New England and extended to Trenton, N. J., inside of Delaware and Chesapeake Bay to the interior of South Carolina, and thence curving west and north to the mouth of the Ohio. The gulf extended with varying width to the north and east of the eastern base of the Rocky Mountains, which had risen from the sea. Further to the northwest it extended along what is now McKenzie River. The whole of the upper valley of the Missouri was then under the gulf, and ships could have sailed over the region now occupied by Dakota's pre-emption and homestead claims, long after the great mountain ranges had risen from Alaska to the isthmus. We find that the land grew upon the water to the south and southwest of the formative nucleus or ridge of the continent, and hence that Dakota grew from the northeast to the southwest, and from the Rocky Mountains eastward.

There is probably little to be found older than the Cretaceous unless in the Valley of the Red River of the North, and from the discovery of salt springs in that region we are led to believe that valley plows its way down to the Silurian Rocks, as the salt springs of the United States issue invariably from that formation. As the Devonian lies next to the Silurian, and the Carboniferous between the latter and the Cretaceous, it will be seen that our rocks include the possibility of coal in theory, whether present in fact or not. From the Red River Valley we pass southwest over the broad Cretaceous belt and when we cross the Missouri we enter a newer formation. This is a Tertiary; and nearly one-half of Dakota is found to be no older than the Tertiary belt along the Atlantic seaboard and the Gulf of Mexico, and not as old as most of the Pacific slope.

The part known as the Bad Lands, west of the Missouri River, belongs to the Tertiary group of the Cenozoic system, and here Nature has collected, in one desolate sepulchre, the relics of a golden age. The fossils are most interesting and remarkable. The ground on which one treads, the columns, shafts and buttresses, the monumental domes and massive walls, which characterize this strange domain of death and desolation, are strewn and filled with fossil skulls and jaws, and teeth, and thigh bones, which belonged to varied races of mammals of which scarcely a single specimen is familiar to the anatomist of the present day. Strange pachyosaurs and turtles of wonderful size, rhinoceros different from any existing, elk with canine teeth, hornless rhinoceros with jaws five feet long, and horses that united some of the characteristics of the tapir which had incisor teeth and ate either flesh or grass and chewed the cud, are some of the strange combinations shown in this grave where the slain of a great convulsion lie buried. The region in its other characteristics is true to its general nature. The water is brackish and bad. The earth is burned by the sun in summer, and cold and deathly still in winter. It is a treeless waste, and in the winter is the abode of snow and naked trees. The strange formation of the hills and general surface of the Bad Lands is the work of excavating waters, and is a phenomenon of the Post-Tertiary Age. South of this region, and near the mouth of the Yellowstone River, was a great inland sea



GENERAL JOHN B. S. TODD

First delegate to Congress from Dakota

after the Bad Lands had been drained. Around its shores roamed the rhinoceros, the elephant, the mastodon, the horse, beaver, wild cat, and wolf, with other animals now extinct. This sea changed slowly from salt to fresh, as its successive fossils show, and its bottom was finally lifted, and its waters furrowed the great Valley of the Missouri.

When these successive scenes had passed came the Ice Period. The equalizing currents between the south and the polar regions were cut off by the intervening continent. The whole northern regions were covered with ice, the southern border only being free, and the expansive force of the whole body pushed this over the land with irresistible power, grinding and furrowing the rocks and covering the surface. Later the greater streams made or resumed their way, and smaller rivers and creeks cut down their varying routes, leaving the terraces, slopes and hills, with the depressions and gravelly ridges sprinkled with the limestone and granite boulders. In the parts through which streams have passed, Dakota has no lakes, but on the higher general levels between the sources of streams, we have the beautiful lake country of Minnesota and Dakota. Some of these are marshy, but the most have clear, pure water, and firm, gravelly or sandy shores.

Here are found walled lakes similar to those in Northern Iowa. These walls are of rough and irregular stones, compactly built and filled with clay and sand, giving the appearance at first of man's handicraft, but a closer examination shows them in elemental and not mechanical order. These walls are generally upon the south sides of the lakes, and are made of the same materials that are found in the bed of the lakes adjacent to them, showing that the power which set them there was the expansive force of ice, the same that acted on so grand a scale in the Glacial Period—one of those forces loosed from the right hand of God in that hour when "the morning stars sang together." A warmer age succeeded the Ice, and over this again the storms of changing seasons have waged their varying war; summer followed winter, and water, air and frost, in infinite succession, wrought their slow but mighty changes upon the surface materials. To these were added the vegetable growth, which burned or decayed, mingled with the minerals and left our finely pulverized, deep, calcareous and arenaceous soils. Our soil is excellently suited to produce cereals from the presence of much mineral and other valuable constituents.

But to return to Eastern Dakota, which, as indicated, belongs to the Cretaceous. Nearer its eastern boundary it seems to approach the Jurassic and Carboniferous, the coal measures appearing in Iowa. The Cretaceous, as its name implies, is marked by the presence of the chalk formation. This is shown in great abundance in the bluffs of the Missouri near Yankton, and at various points above, while it also appears at different points interior. At Sioux Falls, Dell Rapids, and in Davison County, are great masses of red quartzite rock, or, as some call it, red granite. It seems to be entirely without fossils. It is a very hard, unstratified rock, and is colored from a pale red to a rosy tinge. It is difficult to dress or cut, but breaks under the hammer into suitable shape for very substantial building stone. This rock is also found at other points in the territory, west, northwest and northeast of Sioux Falls, where the Big Sioux River breaks through and over the formation in a beautiful succession of rapids, cascades and falls; descending a distance of 110 feet in half a mile, forming a series of attractive pictures and a scene of wild beauty. Partly overlying the granite at Sioux Falls is a finely grained white or yellowish sandstone of a very friable texture, being easily pulverized in the hand. This does not show, however, in large amount. In the river bank above the falls, and at other places, and in considerable amount about forty miles east of north from Sioux Falls, appears the red pipestone of the Indians, so closely associated with their religious legends and traditions.

(Professor Hayden's account of his journey to and exploration of the Black Hills and Bad Lands, in 1866, will be found in the chapters devoted to the Black Hills.)

Professor Hayden furnished the following regarding a geological survey made by him of that portion of Dakota lying east and north of the Missouri River:

In October, 1866, after my return from a tour of exploration of the "Mauvaise Terres" or Bad Lands of White River, I took advantage of an opportunity that presented itself to visit some portions of Dakota Territory on the north side of the Missouri River not hitherto examined by me. I have taken as my starting point the Village of Yankton, the capital of Dakota Territory, located on the Missouri River about twelve miles above the mouth of the James. At this point we observe a large exposure of the yellow calcareous mud beds of No. 3, Niobrara division, forming along the river nearly vertical bluffs, extending sometimes several miles. The rock varies in texture from a nearly white soft chalk, much like our chalk of commerce, to a somewhat compact limestone, which is used for burning lime and for building purposes. Thick beds of this chalk present a marked rust color from the presence of a greater or less amount of peroxide of iron; otherwise it could be easily distinguished from the chalk of Europe, and without doubt would serve the same commercial purposes. The organic remains found here are not very numerous in species. The most abundant shell is the *ostrea congesta* Conrad, which seems to have been so numerous and to have aggregated together much in the same way as the little oyster which is common in the

the tide recedes along the shores of the Sea Islands of South Carolina. Near the base of the rock there are layers of rock several feet in thickness, made up almost entirely of one or more species of *inoceramus*, one of which has been identified as *I. problematicus*. The fish remains are quite numerous, diffused throughout the rock. Fragments, consisting of jaws, fins and scales, are found in the greatest abundance, and Mr. Propper, a resident of Yankton, has succeeded in recovering some nearly perfect specimens (undescribed) from the quarries there. This group of rocks extends for 400 miles along the Missouri River, and I am convinced that when carefully studied, it will be found to represent the white chalk beds of Europe, and be employed for similar economical purposes.

The Cretaceous rocks of the Missouri River have been numbered in the order of superposition, Nos. 1, 2, 3, 4, 5, and all of these divisions have been located in the geological scale by the unmistakable evidence of their organic remains. We find, therefore, that this portion of Dakota is occupied exclusively, or nearly so, by the middle member of the Cretaceous series. The soft and yielding nature of No. 3 is well shown by the topographical features of the country, where all the slopes are gentle in their descent, and for the most part, covered with a thick growth of grass; for the soil, which is composed of the eroded materials of this group, is quite fertile, and in ordinary seasons produces excellent crops, and is especially adapted to the growth of cereals.

From Yankton our course was nearly north up the west side of James River. Our path led over a gently rolling prairie for sixty-five miles, with not a tree or bush to greet the eye. There were no cut bluffs along the little streams over which we passed; the sides of the hills bordering the valleys sloping at a very moderate angle and being covered with a thick growth of grass. No rocks were seen in place until we arrived at Fort James, about twelve miles below the mouth of Firesteel Creek, a branch of James River. Erratic rocks of all sizes and texture were visible on the surface everywhere, more especially in the valley of the James River and tributaries. At this point on James River, uncovered by the seeping out of the valley, is a large exposure of reddish, variegated quartzites, differing somewhat in structure and appearance from any rock hitherto observed by me in the Upper Missouri. They cover a considerable area in the valley of the James at certain localities, but nowhere are they exposed at a thickness of more than twenty or thirty feet. Indeed, they have been much worn by water, so that they project above the surface in large square masses, suggesting to one in the distance a village of log houses. The rocks are mostly reddish and flesh colored quartzites, so compact that the lines of stratification are nearly obliterated. They also appear to be metamorphic. There is, however, a horizontal as well as vertical fracture, and the horizontal fracture breaks across what appear to be original laminae of deposition. These lines or bands are seldom horizontal, but much waved and inclined, as if the materials had been deposited in shoal or troubled waters. The illustrations of ripple or wave markings in these rocks are numerous and very beautiful. There is considerable variety in the texture of the rock; some of it is a very fine, close grained quartzite, so that when worn by water it presents a smooth glistening surface like glass. Again it is filled with small water worn pebbles, forming a fine pudding stone; again there are layers of siliceous sandstone, which separate into slabs from one-fourth of an inch to several inches in thickness. This rock is very useful for building purposes, and has been employed at this point by the United States army officers in erecting the numerous buildings that constitute the fort. I looked diligently wherever the rock had been quarried for some traces of organic remains, but none were visible. Resting upon the quartzite of this locality is a bed of black plastic clay, precisely like No. 2 Cretaceous as seen along the Missouri River near the mouth of the Vermillion. I found no fossils in the rock, but there were numerous specimens of selenite in crystals, which characterize it in other localities. Reston also has the chalky marl of No. 3, not differing in structure from the same rock before described as occurring at Yankton on the Missouri River. It here contains an abundance of the characteristic fossil, *ostrea congesta*. Its thickness exposed is about fifty feet, but from an examination of the slope above I estimated its entire thickness at this point at from eight to one hundred feet. The formations at this locality, in descending order, are as follows: A, yellow chalky marl, No. 3; B, black plastic clay with selenite crystals, and small No. 2; C, reddish and rose colored quartzite.

From Fort James we again proceeded across the undulating prairie in a direction a little north of east, about sixty-five miles, to Fort Dakota, at Sioux Falls, on the Big Sioux River. Nothing of special interest, in a geological point of view, met our eye except a small exposure of the reddish quartzite in the valley of the Vermillion River. The soil of the prairie and the exposed and also the superficial deposits, as shown along the streams, are everywhere evidence that the surface features of all this region are due to the wearing of the rocks of the Cretaceous, Nos. 2 and 3, and that they are the immediate underlying formations. The only features which met the eye everywhere were the bluffs which cover large areas so thickly as to render cultivation impossible until they are removed. These bluffs, however, will be found to be very useful to future settlers for building and other economical purposes.

At Sioux Falls there is a small exhibition of the same red and variegated quartzites which are here exposed only in the valley of the river by the removal of the soft and yielding Cretaceous rocks. The falls are five or six in number, extending a distance of half a mile, and have a descent of one foot in all, forming the most

valuable water power I have ever seen in the West. About ten feet from the top of the rocks, as seen at this locality, is a layer of Steatitic material, mottled, gray and cream color, very soft, about twelve inches thick, which is used sometimes for the manufacture of pipes and other Indian ornaments. When the quartzites have been subject to the attrition of water, they present the same smooth, glassy surface as before mentioned. There are also beds of pudding stone, and the most beautiful illustrations of wave and ripple markings that I have ever observed in my geological explorations hitherto. I was unable to discover any well defined fossils, but wherever the surfaces of the rocks had been made smooth by the attrition of the water, quite distinct rounded outlines of what appeared to be bivalve shells could be seen so numerous that the rocks must have been charged with them. The matrix is so close grained and hard that on breaking the rock no trace of the fossil could be found. I am confident, however, that the rock is filled with organic remains, but they cannot now be separated from the matrix so as to be identified.

From Sioux Falls to the celebrated Pipestone Quarry, the distance is just forty miles, measured with an odometer. Direction, a little east of north. We passed over similar undulating prairie, with but one small tree along the route, and but one rock exposure, and that occurred about four miles south of the quarry. The rock is a very hard quartzite, composed largely of water worn pebbles, quartz, jasper, small clay nodules, chalcedony; some of the rock is a quartzite sandstone, other portions fine-grained silicious rock. It lies in regular layers or beds, dipping at an angle of about five degrees thirty minutes south of east. On reaching the source of the Pipestone Creek in the valley of which the pipestone bed is located, I was surprised to see how inconspicuous a place it is. Indeed, had I not known of the existence of a rock in this locality so celebrated in this region, I should have passed it by almost unnoticed. A single glance at the red quartzites here assured me that they were of the same age with those before mentioned at James and Vermillion rivers and at Sioux Falls. The layer of pipestone is about the lowest layer of rock that can be seen. It rests upon a gray quartzite, and there is about five feet of the same gray quartzite above it, which has to be removed with great labor before the pipestone can be reached. About three hundred yards from the pipestone exposure is an escarpment, or nearly vertical wall of variegated quartzite extending directly across the valley. Each end of the wall passes from view beneath the superficial covering of the prairie. It is about a half mile in length. About a quarter of a mile farther up the valley, there is another small escarpment, so that the entire thickness of the rock exposed at this point is about fifty feet. Not a tree can be seen; only a few small bushes growing among the rocks. There is a little stream of clear, pure water flowing from the rocks, with perpendicular fall of about thirty feet, forming a beautiful cascade. The evidences of erosion were very marked, and the question arose—how could all the materials which must have once existed here joined onto those walls, have been removed, except by a stream much larger and more powerful in its erosive action than the one at present flowing here? There is a slight inclination of the beds from one to three degrees about fifteen degrees south of east. About two hundred yards southeast of the quarry are five massive boulders, composed of a very coarse feldspathic granite, very much like that which forms the nucleus of the Black Hills.

The pipestone layer, as seen at this point, is about eleven inches in thickness, only about two and a quarter inches of which are used for manufacturing pipes and other ornaments. The remainder is too impure, slaty, fragile, etc. This rock possesses almost every color and texture, from a light cream to a deep red, depending upon the amount of peroxide of iron. Some portions of it are soft, with a soapy feel, like steatite; others slaty, breaking into thin flakes; others mottled with red and gray. A ditch, from four to six feet wide and about five hundred yards in length, extending partly across the valley of Pipestone Creek, reveals what has thus far been done in excavating the rock. There are indications of an unusual amount of labor on the part of Indians, in former years, to secure the precious material. This is the only locality from whence the true pipestone can be obtained, and the labor is so great in throwing off the five feet of solid quartzite that rests upon it, that the rock has always been rare. For a mile or two before reaching the quarry, the prairie is strewn with fragments cast away by pilgrims. Nearly all our writers on Indian history have mistook this place with a number of legends or myths. They have represented the locality as having been known to the Indians from remote antiquity. All these notions, I am convinced, will disappear before the light of a careful investigation of the facts. It is quite probable that the rock has not been known to the Indians more than eighty or one hundred years, and perhaps not even as long a period. I could not find a trace of a stone implement in the vicinity, nor could I hear that any had ever been found; and, indeed, nothing could be seen that would lead one to suppose that the place had been visited for over fifty years. All the excavations could have been made within that time. There are many rude iron tools scattered about, and some of them were taken out of the ditch last summer in a complete state of oxidation. Again, it does not appear that in the mounds opened in the Mississippi Valley so extensively, any trace of this rock has ever been found. It is well known that the pipe is the most important of the dead Indian's possessions, and is almost invariably buried with the body, and if a knowledge of this rock had extended to the stone age, it is almost certain that some indications of it would have been found in the light in the vast number of mounds that have been opened in the valley of the Mississippi.

Wares and other ornaments made from Steatite have been in use among Indians from the earliest periods of their history, and they are still manufactured from this material on the Missouri.

Regarding the age of these rocks described above, Professor Hayden accepted the opinion of Professor Hall, who had given the matter elaborate investigation by personal visits to many points in Minnesota and Dakota, and who concluded that they were of the same age with the Huronian rocks of Canada and Lake Superior.

THE PRINCIPAL RIVERS

The Missouri River is probably the longest navigable river in the United States, the distance from its mouth, twenty-five miles above St. Louis, to Fort Benton, the practical head of navigation, being not far from 3,185 miles. Its principal tributaries in Dakota from the north and east, are the Big Sioux, the Vermillion and James rivers, Choteau, and Medicine creeks, the Little Cheyenne, and Swan in South Dakota, and the Beaver, Apple, Turtle Valley, Snake and Pride creeks, and the Little Knife, White Earth* and Little Muddy and Milk rivers, in North Dakota. From the west and south it receives the waters of the Niobrara, which drains quite an area of the territory, also the Ponca, White, Bad River, Big Cheyenne, Moreau and Grand in South Dakota, and the Cannon Ball, Heart, Knife, Little Missouri; and the Yellowstone in North Dakota, the Missouri's largest tributary, being the only one of the tributary streams navigable. The Missouri is navigable for ordinary steamboats during the boating season to the Great Falls, Montana, from the beginning of April and frequently from the middle of March to the last of October. Its peculiar and objectionable feature to steamboat men is the frequent shifting that takes place in its channel, owing to the quicksands which compose the bed of the river.

The Red River of the North is, next to the Missouri, the largest river in Dakota, rising north of Lake Traverse, South Dakota, near the eastern boundary between North and South Dakota, and flowing almost due north to its outlet in Lake Winnipeg, Manitoba.

The Red River of the North is navigable as far south as Fargo, and steamboats have ascended during the '60s, to Breckinridge and Wahpeton, in favorable seasons. It forms the boundary between Minnesota and Dakota north of the 46th parallel, to the international boundary, and runs nearly due north. The valley of this stream is one of the largest and most fertile in the world. Its average width from east to west is from fifty to sixty miles, and its average length from north to south in Minnesota and Dakota is about two hundred and thirty miles. This valley is divided about equally between Minnesota and Dakota; one-half being east and one-half west of the Red River. The valley is principally prairie, and is uniformly smooth, and very nearly level throughout its whole extent. Along the Red River there was a good supply of timber before the country was settled; the variety of timber being oak, ash, basswood and elm, and some others, but the ones enumerated predominated. It is a well watered valley; every few miles small streams of water make down from the highlands to the west, across the valley and empty into the Red River. These streams were likewise timbered with the same kind of wood.

Commencing at the 46th parallel of north latitude and traveling north along the valley, in Dakota, one will cross first the Wild Rice, coming from the southwest, then the Cheyenne, coming also from the southwest. The Cheyenne is one of the most important rivers in the northern portion of the territory and wholly within the boundaries of the territory. It rises near Devil's Lake and waters nearly a third of that section of the territory; it is skirted with fine timber for more than two hundred miles from its mouth. It is called the Cheyenne River of

The White Earth River formed the northwestern boundary of the Territory of Minnesota.

the North to distinguish it from the Big Cheyenne of Southern Dakota, and drains a greater area than any other of the Northern Dakota streams excepting the Red River. It rises about ten miles southwest of Fort Totten, and after coursing in and out in a southeasterly direction for about two hundred miles, river measure, it turns abruptly north from near the 46th parallel and following the general course of Red River, debouches into that parent stream a few miles below Fargo, at a point 250 miles by river south of Pembina. The valley of the Cheyenne was early noted for its luxuriant grasses, indicating a superior soil, and for its small forests of oak, hickory and walnut, which in great part were felled by the early settlers for buildings and fuel. The Cheyenne is an important historical boundary line, marking with its tributaries, in Dakota, the northeastern extremity of the Louisiana Purchase.

The River St. Jacques or James River, named by the act of Congress organizing the Territory of Dakota the "Dakota River," is over three hundred miles in length, and has its rise a few miles southwest of Devil's Lake in North Dakota; passing thence through the counties of Foster, Stutsman, La Moure and Dickey, North Dakota, it enters South Dakota a few miles west of the northeast corner of the County of Brown, passing thence through Brown, Spink, Beadle, Sanborn, a portion of Davison and Hanson, through Hutchinson, entering Yankton County near the northwest corner and running diagonally through the county, falls into the Missouri about six miles west of the southeast corner of the county. The river resembles somewhat an immense ditch excavated by artificial means, the current being broken by no falls or rapids, and its clayey banks are permanent and quite uniform in height. The windings of the stream are all long and gradual and bend with as much regularity as the windings of a canal. Occasionally the stream spreads out into the dimensions of a lake, affording ample sea room for small steamers, and the first 100 miles of the river could be easily navigated during the spring and summer when there is an average depth of water in a permanent channel of about ten feet. The uniform width of the river for about one-third of its length from its mouth, is about one hundred and fifty yards, and the water being confined within the banks moves very slowly and smoothly. The fall does not average over a foot to the mile. The bottom lands seldom equal a mile in width and are among the most fertile and productive in the United States, while the highlands bordering the valley are equally productive though lacking the depth and probably the strength and durability of the bottom soil.

While Congress has decreed that the name shall be "Dakota," one seldom hears it called by that name, and it is very probable that there are thousands of Dakotans who would not recognize the river under that title. The popular name is the "Jim" but the name "James" is used in public addresses, and by those in charge of the educational interests of the state, and also by that numerous class of estimable people who abhor a "nickname" under any guise.

The Pembina River is a favorite waterway in the extreme north and nearest of all streams to the international boundary. For more than thirty miles from its mouth, it was sparsely settled and cultivated nearly a century ago and a thriving village stood upon its banks. It runs very close to and parallel with the international boundary line, and empties its waters into the Red near where the City of Pembina, on the northern border, is situated. The soil of the valley is called a black clay loam, partly alluvial and partly a deposit of decayed vegetation. The dark surface soil is generally about two or three feet in depth. The subsoil is principally clay. The land cannot be excelled as far as native fertility and durability is concerned. It has not only the elements of extreme productiveness, but is also capable of sustaining a long cultivation without the addition of manure.

The valley through which the Cheyenne River flows is no less valuable and possibly superior in natural beauty to the Red, having a greater topographical variety. The Mouse River also drains a large section of Western North Dakota, and empties its waters into the Assiniboine in British America. (See Report of Bismarck Railroad Committee.)

The Little Muddy empties into the Missouri River from the north, about twenty-five miles above Fort Buford, and was noted for its heavy forests of good timber, for which the soldiers who were stationed at Fort Buford in the early days can vouch, for they cut thousands of logs from its wooded banks and rafted them down to the fort. A portion of these logs measured 45 inches in diameter, and were 80 to 90 feet in length, and perfectly straight.

The Big Muddy empties into the Missouri eighteen miles above the Little Muddy, and forty-three miles above Buford. It is well timbered but not as densely as the Little Muddy. Both streams have their source near the international boundary, but are not regarded as important tributaries of the Missouri.

The water-shed or elevation that divides the water courses flowing north and south is situated largely in North Dakota. Starting at Lake Traverse, it trends west of north and northwest to very near the Devil's Lake region, southwest of which the James River has its sources, and on in the same direction, crossing the territory's northern boundary near the northwest corner.

The Devil's Lake or Lake Minnewaukan (Spirit Water of the Dakota Indians) was the largest lake in Dakota Territory. It covers an area of nearly 100 square miles, and is probably the most romantic spot, including its natural attractions, in the northern state. Its bed and beach is composed of fine gravel. It has no visible outlet, but is supposed to have subterranean drainage into Cheyenne River. It is situated in the north central section of the northern portion of Dakota Territory. It is eighty miles long and from three to twenty miles in width, and from fifty to two hundred feet in depth. Its altitude above the ocean is set down as 3,000 feet. It has a firm rock bottom, and its waters are clear and cold and palatable. Its shores are well timbered with valuable species of wood, and in the early days these forests sheltered large herds of deer, bears were numerous and fur animals abounded. It was a famous region in the earliest explorations of the Northwest, and a favorite resort of both the Chippewa and Sioux Indians, and furnished the battle ground for many a conflict. Fort Totten was built at this lake in 1868, or partially built, the improvements being of brick which were manufactured near the site of the post.

FIRST SURVEYS

The first surveys made by the Government in Dakota were made by two surveyors named James Snow and Stephen Hutton, who under a contract with the government surveyed and marked the eastern boundary of the Territory of Dakota from Big Stone Lake to the Iowa line. The Big Stone Lake boundary had been defined by the act admitting Minnesota into the Union. Snow and Hutton ran the boundary line south from Big Stone to the Iowa line a distance of about one hundred and twenty miles, marking the boundary with four cast iron monuments. This work was done in the summer of 1859. The same season the United States surveyor general at Dubuque let a contract to a surveyor named Neely to run the township lines in the southeastern part of the territory covering the Big Sioux from its mouth to Canton or above and extending west nearly to the Vermillion River, embracing about eighty townships. Thos. J. Stone of Sioux City had a contract for subdividing these townships and probably did some of the work during the fall of 1859.

In the spring of 1860, Congress having appropriated \$10,000 to be disbursed by Surveyor General Lewis of the Dubuque office, that official was induced to expend the entire amount in surveying the newly acquired public lands in Southern Dakota, and a contract was awarded by General Lewis to Ball and Darling, a firm of land surveyors, who were very close to the throne in the surveyor general's office, to do this work. Mr. William Miner, afterward and for over a quarter of a century the junior member of the mercantile firm of Bramble & Miner of Yankton, was a member of this party of surveyors. Being a surveyor himself, he had gone from his home to Dubuque for the purpose of procuring a contract,



WILLIAM MINER

but as there was only enough of the appropriation to satisfy the Ball and Darling people, he engaged with the successful contractors and assisted in the work during that season.

Mr. Miner relates that the surveying party left Dubuque late in May, 1860, with a team and covered wagon loaded with their surveyor's instruments, provisions, etc., and drove across the State of Iowa; a great part of the way, and more especially the western half of the state from Fort Dodge west, being destitute of any road, just the naked bald prairie which supported an abundance of big game. Mr. Miner says:

There were eight in our party, and all except the one whose turn it was to drive the wagon, walked the entire distance. We had, in some respects, quite a notable party, made up as follows: John Ball, E. N. Darling, for many years after a well known civil engineer in Washington, D. C.; Bill Jones, son of United States senator from Iowa; Warner Lewis, son of Surveyor General Lewis (both Jones and Lewis, when the war broke out in '61, went south and enlisted in the Confederate army and I think both came to grief at Vicksburg); Miner Lorrimer, son of one of the best known business men of Dubuque; Thomas C. Powers, for many years after head of the firm of Powers Bros., Indian traders, and one of the first United States senators from the State of Montana; Horace J. Austin, for over forty years one of the best known and respected citizens of Dakota, residing and doing business at Vermillion (Mr. Austin died at Pierre during the session of the Legislature of 1893), and myself. Our instructions for doing this work were to go to a point on the Big Sioux River, about thirty miles north of Sioux City, where a standard line of Iowa surveys stopped on the Big Sioux, and between townships 94 and 95 north, and run that standard west until it came to something, either the Missouri River or the Yankton reservation. (The latter is what it hit near the old Sherman ranch on Choteau Creek.) Then to do enough town line and subdivision work to use up the money, the work to be done being largely discretionary with us. We were also ordered to note and define the grants designated and selected at different localities by Frost, Todd & Co.; Charles F. Picotte, who had a grant of one section by the treaty at Yankton, and I think a few other grants in the Sioux Point region. Following our instructions we ran all the town lines between our standard line and the Missouri River and subdivided two fractional townships at Yankton, two at Vermillion, one at Elk Point, if I recollect right, and finished up late in the fall with a foot of snow on the ground by running all the subdivision lines in Big Sioux Point. Austin and myself bid the party adieu at Sioux City when they left for Dubuque with their team and wagons, and we went back to Yankton, on foot, of course, to take our chances for something to eat over the winter, and it was not a very brilliant chance either. D. T. Bramble had put up a little frame building on the levee near the foot of Walnut Street, and opened up a small store in it. I got a chance to bunk with him and we got our bacon and corn bread at the log dirt roof ranch which was presided over by Mrs. H. C. Ash, who, I venture to assert, could get up a better meal with a very limited stock and assortment of provisions than any woman in Dakota.

With these surveys completed the pre-emptors were enabled to adjust their boundaries under the direction of Surveyor Armstrong. The former "squatter boundaries" that had governed were found to be three chains too far south and four chains too far east.

The land surveys under the United States are uniform and done under what is known as the "rectangular system." This system of surveys was reported from a committee of Congress before the United States Government came into existence, May 7, 1784. The committee consisted of Thomas Jefferson, chairman; Messrs. Williamson, Howell, Grey and Reas.

This ordinance required the public lands to be divided into "hundreds" of ten geographical miles square, and those again to be subdivided into lots of one mile square each, to be numbered from 1 to 100, commencing in the northwestern corner and counting from west to east and from east to west continuously; and also that the lands thus subdivided should be first offered at public sale. This ordinance was considered, debated and amended; and on the 3d of May, 1785, on motion of Mr. Grayson, of Virginia, seconded by Mr. Monroe, the size of the townships was reduced to six miles square. It was further discussed until the 20th of May, 1785, when it was finally passed.

The origin of the system is not known beyond the committee's report. There had been land surveys in the different colonies for more than a hundred years; still, the method of granting land for settlements in vogue in all the colonies was

regular tracts, except in the colony of Georgia, where, after 1733, eleven townships of 20,000 square acres each were divided into lots of fifty acres each.

The act of cession of the State of Virginia of her western territory provided for the foundation of states from the same not less than one hundred nor more than one hundred and fifty miles square.

This square form of states may have influenced Mr. Jefferson in favor of a square form of survey, and besides the even surface of the country was known, the lack of mountains and the prevalence of trees for marking it also favoring a latitudinal and longitudinal system. Certain east and west lines run with the parallels of latitude and the north and south township lines with the meridians.

The system as adopted provided for sale in sections of 640 acres, one mile square. In 1820 a quarter-section, or 160 acres, could be purchased. In 1832 sub-divisions were ordered by law into 40-acre tracts, a quarter-quarter-section to settlers, and in 1846 to all purchasers. On May 18, 1796, the ordinance of May 20, 1785, was amended; also on May 10, 1800, on the introduction of land offices and credit sales, and on February 11, 1805; April 24, 1820; April 5, 1832; and May 30, 1862. (For existing laws on surveys see Chapter IX, United States Revised Statutes, "Surveys of the Public Lands," sections 2395 to 2413.)

Since the inauguration of the system it has undergone modification in regard to the establishment of standard lines and initial points, the system of parallels or correction lines, as also of guide meridians, having been instituted, contributing largely toward its completeness.

The cessions of the several states were organized from time to time into geographical divisions by the laws creating them and the lands were ordered to be surveyed, including lands to which the Indian title had been or would be extinguished. The same proceeding took place with purchased territory in 1803, 1819, 1848, 1850 and 1853.

The extension of the surveys being authorized by Congress over a district of country, the commissioner of the general land office directs the surveyor general of the district, whose office is created by law prior to extending the surveys, to begin the same.

PUBLIC LANDS—THE NUMBER OF ACRES

Dakota's boundaries enclosed a compact body of public lands, every acre of which belonged to the Government of the United States (subject to the Indian titles), no portion having been alienated by grants executed by its prior sovereigns. Its original boundaries included about two hundred and twenty-four million acres, and at the time of its organization was the largest compact body of public lands wholly owned by the Government, except the Territory of Alaska, then belonging to the national Government. An early public document informs us that in the very infancy of the nation, before the adoption of the Federal Constitution, the ownership and control of public lands was the chief obstacle to the Union. The difficulty was finally magnanimously adjusted by the proprietor states transferring their outlying lands to the general Government—New York, first, in 1781; Virginia, in 1784, with a cession of the Great Northwestern Territory, the provisions of which cession have been so frequently and authoritatively quoted in the steps taken by Dakota to secure statehood. Massachusetts followed in 1785; and Connecticut, Georgia, North and South Carolina and other states surrendered their claims shortly after.

By the treaty of peace with England in 1783, at close of the Revolutionary war, the western boundary of our nation was fixed at the middle of the Mississippi River, and the outlying lands then belonging to the states in severalty, and ceded to the general Government as above stated, amounted to two hundred and twenty-six million acres (about two million acres more than was comprised within the original Territory of Dakota). By the treaty with France in 1803 (Louisiana Purchase); the treaty with Spain in 1818 (Florida and west of the



LIGNITE BED IN BILLINGS COUNTY, DAKOTA

Thirty three feet in thickness

Mississippi); the treaties with Mexico in 1848 and 1853 (California, Arizona, New Mexico, Nevada, and part of Utah); and the treaty with Russia in 1867 (Alaska), the public domain was increased over seven-fold, adding about one billion six hundred and nine million acres to the national territory. The United States thus became possessed of a total of one billion eight hundred and thirty-four million acres of land; a domain sufficiently ample to make twenty-five countries each of the size of England, Ireland, Scotland and Wales combined, capable of supporting a population estimated at seven hundred and twenty million of people of the average density of Great Britain or nearly half the population living on the globe in the year A. D. 1870. In the early days of our Republic the public lands were chiefly regarded as a possible source of public wealth in the dim future; but under the stimulating influence of growth and development, the Government has been led to make use of them to accelerate their occupation and settlement by civilized people, by liberal land laws; by generous donations to induce public improvements; and to foster and encourage popular education. In 1870 about four hundred and forty million acres had been disposed of by sale, pre-emption and homesteads, and grants to railroads, etc. The surveyed land then on the market and ready for settlement, was estimated at seventy million acres; and the area unsurveyed at one billion and three million acres.

During the first eleven years of our constitutional government land was taken up at the rate only of 100,000 acres a year. In 1806, the sales realized \$705,245. During the War of 1812 the sale fell off, but with the return of peace they improved, and in 1819 amounted to about three million dollars. The sales for 1835 aggregated thirty-five million dollars; and the next year following twenty-one million dollars, the largest year's sales made in our public land history. In 1842 the sales diminished to about one million. From 1850 to 1855, they averaged about ten million dollars a year. In 1862, the War of the Rebellion being on, they amounted to \$125,048, the lowest of any year previous to 1890. Since the war they have slowly increased, averaging about three million dollars a year.

The wise policy of setting apart a portion of the public lands for the benefit of common schools and the cause of education is one original with this Government, and has been of great service to the cause of education in the western states. The Territory of Dakota was not permitted to make any sale of these lands; but the common school lands in the two states of North and South Dakota inherit about ten million acres which is conservatively valued at one hundred million dollars. Public lands have also been generously donated in endowing our state educational institutions; and those of a charitable and penal character. Agricultural colleges have also been greatly aided by land endowments.

PRE-EMPTIONS

What was known as the pre-emption law, passed by Congress in 1841, was the first enactment that offered an inducement for settlement upon the public lands. Under this law any citizen of the United States or a single woman of lawful age, and persons of foreign birth who had declared their intention to become citizens, were permitted to settle upon and claim 100 acres of the public land, as a pre-emption right, under which right he was entitled to enter his land at any time after six months from settlement and before the expiration of five years, by paying therefor at the land office \$1.25 an acre. Before making his final proof the foreign born claimant was required to become a citizen. Bounty land warrants good for 100 acres of the public domain, given to veteran soldiers of the Mexican and other wars, were abundant in the years prior to the rebellion and were receivable by the Government in payment of these pre-emptions. Residence upon the tract claimed and some improvements to indicate good faith, were required under the pre-emption law.

The homestead law was passed in 1862. It extended to the same classes of people, the right to a homestead on the public domain not exceeding one hundred and sixty acres. Title to the homestead could be acquired by a continuous residence of five years, and the payment of \$14 entry fees, or after six months actual residence and suitable improvement the claimant could commute his homestead entry by payment of \$1.25 an acre. This law gave a great impetus to the settlement of the West.

The belief was quite prevalent that one great if not insuperable obstacle to the settlement of the vast prairies of Dakota and other public land sections was the lack of timber—that if this could be supplied the country would fill up with a desirable class of citizens. Congress in order to meet this condition as far as could be done, by encouraging legislation, enacted a law, in 1873, known as the Timber Culture Act, amended in 1874 and again in 1878, which gave to any party, being the head of a family, or over twenty-one years of age, a citizen of the United States, who shall plant, protect, and keep in a healthy and growing condition, for a period of eight years, ten acres of timber, on any quarter section of any of the public lands of the United States, or five acres on any legal subdivision of eighty acres, or $2\frac{1}{2}$ acres on any legal sub-division of forty acres or less, a patent to the whole of said quarter section, or of such legal subdivision of eighty, or forty, or less, as the case may be, at the expiration of said eight years, on making proof of such fact by not less than two credible witnesses, and a full compliance with the further conditions of this act; Provided, That not more than one-quarter of any section shall be thus granted, and that no person shall make more than one entry under the provisions of the act.

The further provisions of the law provided that the applicant should make an affidavit similar in substance to the affidavit made in homestead cases, with the addition that the land claimed is wholly devoid of timber. The applicant was required to pay \$10 to the land officers where the claim embraced a full quarter section, and a proportionate amount for an eighty acre tract or a sub-division. It was further stipulated in what manner he should cultivate his timber tract; the number of trees to the acre, and in case the young plants were at any time destroyed by grasshoppers or by extreme drouth the time limit of eight years was extended; there were various other directory provisions; and when the applicant came to make final proof, provided he could prove by his witnesses that not less than two thousand seven hundred trees had been planted on each acre so cultivated, and at the time of making proof there were 625 living and thrifty trees on each acre, he was entitled to a patent for the land upon paying the land office fees.

A large number of entries were made under the provisions of this act, but the percentage of claimants who appeared to offer final proof at the expiration of the eight or more years provided was quite limited. And it was early discovered that the law was not fulfilling the expectations of the Government. Where a homesteader could secure a tree claim adjoining his homestead, he was able to comply with the law, as a rule, but this was seldom available. There was no commutation clause in the timber culture law. It did not appeal to the homesteader in preference to the homestead law under which he could take a homestead and after five years' residence secure his title. To fulfill the requirements of the law in the great majority of cases was considered at the time as much more expensive than the requirements of the homestead law. Partial drouths were one fatal to the early growth of the timber tracts planted; many claims were totally abandoned or relinquished to a homesteader after a few years' trial and failure; the law was finally repealed, and the prairies had been but little benefited directly from its well intended but rather impracticable requirements.

CHAPTER XI

EARLIEST WHITE SETTLEMENTS

RED RIVER OF THE NORTH—SIOUX FALLS AND MEDARY—PEASE AND HAMILTON
SETTLEMENTS—YANKTON, VERMILLION, AND BONHOMME—BIG SIOUX POINT
—MIXVILLE—ELK POINT.

We have here undertaken to give a brief sketch of the pioneer settlements of Dakota which were contemporaneous, or nearly so. These include Sioux Falls and Medary, Yankton, Bon Homme, Charles Mix, Mixville, below Fort Randall; Vermillion, Big Sioux Point, Elk Point, and Red River of the North region, which had been occupied by white people a half century earlier. What is now Lincoln County does not appear to have had a permanent white settlement until some years later, though the county was carved out and named in 1862, and there were a very few scattered pre-emptors along the valley in that section, in 1864. While Yankton was the first point occupied by a permanent settlement of whites on the Missouri slope in Dakota, the country opposite Fort Randall contained a number of white men, not soldiers, who had probably come as civilian employes with the Harney expedition in 1855 and had located in that vicinity in 1857, for the purpose of sharing in the wood and hay contracts that were annually given out, or to engage in hauling supplies for the Government. Thus the Hamilton and Pease settlements were both well established in 1859, and peopled largely by discharged soldiers and French Canadians who had been employed in various civil capacities in Harney's campaign. We have for convenience of reference frequently designated these various settlements by the names of the counties given them by the first Legislature in 1862, though no county names or boundaries were existing during the period these sketches are designed to cover, up to the winter of 1861-2.

In 1858 Minnesota was admitted as a state with its present boundaries, and that portion of its former territory lying west to the Missouri River, was without a government. This fact will explain the urgency of the early settlers to secure the organization of Dakota Territory. An exception to this statement as to the absence of local government might be taken as to the strip of ceded lands lying west of the western boundary of the State of Minnesota and east of the Big Sioux, which the House of Representatives virtually decided as still being the Territory of Minnesota, and permitted the delegate to Congress elected prior to the state's admission to continue as its representative to the end of his term—1859. The Territorial Legislature of Minnesota at its closing session in 1857 had also organized the counties of Big Sioux, containing Sioux Falls, and Midway, containing Medary, and the governor had appointed officers for each county, who completed their organization in 1858, and transacted business.

The earliest settlements by the whites within the boundaries of the future Territory of Dakota were made when all of the country east and north of the Missouri River as far away as White Earth River, was embraced in the Territory of Minnesota; the country on the south and west of the Missouri being then in Nebraska Territory, excepting the settlement of the Hudson's Bay Company, made by Lord Selkirk in 1808. The first settlement in the future Dakota by citizens of the United States was made at Pembina about 1843 by Norman W.

Kittson and Joe Rolette. A postoffice was located there with Kittson as postmaster and Rolette as deputy. In 1850 a custom house was established there, it being close to the international boundary, with Charles Cavileer, of St. Paul, as the customs officer. The settlement has been continuous from that time.

The first settlement on the Big Sioux was made in 1856, December, by the Western Town Company, of Dubuque, Iowa, represented by David M. Mills, W. W. Brookings, John McClellan, and others, and in June, 1857, by the Dakota Land Company, of St. Paul, Minnesota, represented by A. G. Fuller, F. J. Dewitt, Byron M. Smith, and others. The latter company the same season made settlements at Medary and Flandreau, on the Big Sioux. The Sioux Falls settlements were abandoned in 1862, owing to Indian hostilities, the Medary settlement in 1859; and the country remained unoccupied until 1867-68.

In 1857 settlements were made on the James River near Yankton by W. P. Lyman, Samuel Mortimer, A. C. Van Meter and Sam Jerou; and as early as 1855, Aleck C. Young made good improvements and opened a farm a few miles east of the Vermillion River, which he abandoned about the year 1859; Aleck was a white man, related by marriage to the Yankton Indians. (See sketch.) A few civilian employees of the Government and contractors who had come across from the Platte with Harney's expedition in 1855, were located in Charles Mix County opposite Fort Randall. In 1858 the settlement at Vermillion and also at Bon Homme, was begun, the former by McHenry, Van Meter, Kennerly and others, and the latter by John Shober, George Rounds, Thomas Tate and others. A more complete list of these early settlers is furnished in other chapters. Elk Point was occupied in 1850, and Eli B. Wixson built a log hotel there; in 1860 the Brule Creek Settlement was started by M. M. Rich, Mahlon Gore, E. B. LaMoure, and Judson LaMoure, a younger brother, and others.

CHAPTER XII

RED RIVER OF THE NORTH COUNTRY

RED RIVER OF THE NORTH; EARLIEST OF DAKOTA SETTLEMENTS—HUDSON'S BAY COMPANY AND NORTHWEST FUR COMPANY PEOPLE AND THEIR DESCENDANTS FIRST INHABITANTS—PEMMICAN GAVE NAME TO PEMBINA—VERENDRYE, A CANADIAN, EARLY EXPLORER—LORD SELKIRK FAMOUS PIONEER—NORTHWEST FUR COMPANY—FORT DOUGLASS—DEVELOPMENT OF FUR INDUSTRY—RED RIVER HALF-BREEDS—FOUNDING OF PEMBINA—MAJOR LONG AND THE INTERNATIONAL BOUNDARY—EARLY AMERICAN SETTLERS—THE CHIPPEWA TREATY—FORT ABERCROMBIE—STEAMBOATING ON THE RED RIVER—PUBLIC LAND SURVEYS—BOUNDARY LINE CORRECTED BY ARMSTRONG—RED RIVER ELECTIONS—HALF-BREEDS A HAPPY PEOPLE—RED RIVER COUNTIES—TODD AND JAYNE CONTEST FOR DELEGATE—REPEAL OF LEGISLATIVE APPORTIONMENT—NEW BOUNDARIES FOR PEMBINA COUNTY.

The Red River of the North formed the eastern boundary between the northern half of Dakota Territory and Minnesota. The first occupation of the country by white men was long prior to the formation of the Government of the United States. The Hudson's Bay Company charter,* granted by King Charles II to Prince Rupert and his associates in 1670, included all of British America contiguous to Hudson's Bay and its tributary waters. French and Canadian history are quoted as authority for the claim that in 1734, Pierre Gaultier Varennes, Sieur de la Verendrye, of Three Rivers, Canada, was the first explorer of the Red River Valley. Verendrye was a native of Canada, and a Frenchman of remarkable enterprise. In 1734 he traversed the country from the head of Lake Superior to the Red River in company with two sons and a nephew, and explored not only the valley of the Red, but also the Assinaboine and Pembina rivers. He is credited with having founded the fur industry in a portion of that region and established the young men who were with him as traders. He became noted as an explorer, and his work in that field formed the basis of the French claims to the Red River country, afterwards, in 1763, ceded to Great Britain. The younger Verendryes were also possessed of the adventurous and enterprising spirit of their ancestor, and in 1743 made a journey west across and along the valley of the Saskatchewan River, and discovered the Rocky Mountains during their wanderings. The elder Verendrye died in 1849.

One of the important divisions of Dakota Territory is the Red River of the North country. That portion since included within the Territory of Dakota was partly embraced within the Hudson's Bay Company grant, the oldest fur company

*The history of the Hudson's Bay Company, of Lord Selkirk's settlement, and the Northwest Fur Company would occupy a volume, and has been freely published in various works, particularly by the North Dakota Historical Department. But it does not appear to have any necessary connection with the history of Dakota, except through the introduction of missionaries and the half-breeds. It is probable that the missionaries would have come had there been no companies, for they were among the earliest of the white pioneers and were found wherever Indians had their habitation. The fur companies of that region were both foreign enterprises, and except in an illicit manner, conducted no operations on the American side of the boundary, though indirectly obtaining a large percentage of the fur traffic from the itinerant trappers and traders who operated regardless of international lines.

in America, and was occupied by white people earlier than any other section within the boundaries of Dakota as later defined, and possibly earlier than any section west of the Mississippi and north of Iowa. Its first white settlers were British subjects and went into the country when it was all British territory, under employment with the Hudson's Bay Company, but there does not appear to have been any event of importance to Dakota history until about the beginning of the eighteenth century, when Lord Selkirk, a Scotch nobleman, a leading member and large owner of the stock of the company, was granted by the Hudson's Bay autocracy, exclusive control, commercially and politically, as well as judicially, of the country bordering the lower Red River Valley, extending from the mouth of the river to the Red Fork of the main stream, in the vicinity of Grand Forks. Though the Selkirk grant was made some time after the formation of the United States Government, nothing definite was known regarding the northern boundary line separating the new Republic from the possessions of the mother country, and Selkirk, believing that his domain extended to the Grand Forks, erected his principal fort and trading depot in 1809, within the territorial limits of the United States. Lord Selkirk was a very intelligent and enterprising man, according to authentic reports, and was solicitous for the physical as well as spiritual welfare of the conglomerate population which composed his subjects.

The Hudson's Bay Company had brought into the country a number of English and Scotch families to assist in their fur trade with the natives, a trade that extended into the Upper Missouri Valley; and later a rival company formed in Canada in 1780, of French capitalists, and chartered by the Canadian Government as the Northwest Fur Company, had come into the field, and brought in a large number of assistants known as French Canadians; these people constituted the early citizenship of the country including that portion belonging to the United States. In due time the population increased by the intermarriage of the white Canadians with the Indian women who were natives of the country, and this produced a distinct class known as "Red River half-breeds," who became much more numerous than the whites, and formed a very valuable factor in supplying robes and furs to the fur company.

THE PEMBINA COUNTRY

Lord Selkirk had fixed upon a point near the mouth of the Pembina River for his improvements which he made in 1809; he named his post Fort Douglass, that being his family name, and from that time the Pembina Settlement had a local habitation which it has ever since maintained, if not in the exact locality of Fort Douglass, yet near enough to justify its claim as the first settlement on the United States' side of the boundary.

The Pembina country south of the 49th parallel of latitude was much more inviting, because of its freedom from marshes, than a large portion of the country north of that parallel, and was greatly preferred by the earliest whites, and later by the half breed natives, most or all of whom were British subjects, if they acknowledged allegiance to any sovereign. Selkirk's choice of location for the important fort he erected is convincing proof that he regarded the country superior to that further north. It possessed a deep, fertile soil, was free from marshes, and the fort was well situated to take care of the trade in furs. Father Balcourt, who had lived a score of years or more in the British Provinces, and also on the American side, says of the Pembina Valley about 1850: "The soil is very fertile and the frosts never occasion any damage. Our gardens yield us an abundance of melons of all kinds, a fruit that is not known in the gardens of the Selkirks, about forty miles further north." In 1851 he says: "The first frost felt at St. Paul was on the 6th or 7th of September; while at St. Joseph, on the Pembina River, thirty miles west of Pembina Village, the first frost was not until the 2d or 3d of October. We raise potatoes which weigh about two pounds each, and carrots 18 inches long and 4 inches in diameter." The Reverend Balcourt

speaks also of the "measly, soggy" character of the country further north, and the difficulty experienced in trying to make it a food producing region, with the limited facilities of the people then inhabiting it.

The superior natural resources, including climate as well as soil, and the more attractive topography of the Pembina region were the principal factors in its favor, and to obtain possession of these was the motive actuating these who were attracted to its fertile vales at the time of its earliest white occupation. The Pembina River, which empties its waters into the Red coming from the west, is not only remarkable for its beauty, but the country through which it winds its way is of the most fertile character, with forests of hardwood on either side, and skirting its shores. The fur companies made very little if any effort to develop the resources of the country beyond its fur products, influenced no doubt by motives similar to those which governed the early fur companies on the Upper Missouri River, whose policy was to discourage any industry that would interfere with the fur trade, and agriculture, if successful, meant the extinction, to a large extent, of the fur bearing animals, and the certain banishment from the land of the trading industry. Because of this policy, which necessitated the shipping into the country even the food required by the settlers, there were occasions when great suffering was experienced from lack of suitable food—when hundreds were compelled to pass the long winters on barely food enough to keep them alive. The possession of money, or large stocks of furs and merchandise other than food, availed nothing on such occasions, for these settlements were hundreds of miles removed from the nearest points where food material could be obtained.

The name "Pembina" is said to have been given to a country east as well as west of the Red River of the North, and may have been applied to the entire valley and west to the James River. It first comes into prominence the latter part of the seventeenth and early in the eighteenth century. The name is derived from the word "pemmican," which formed the principal food of the Indians who inhabited the country from time beyond the ken of the historian. When the early missionaries, who were the first whites to enter that region, visited the Indians in the seventeenth century they found them using pemmican as the chief article of diet, particularly when on the chase in pursuit of buffalo and on the warpath, and it soon became the principal subsistence of the clergy during their pilgrimages from one missionary station to another. Flour being a commodity not easily procurable, it is stated on good authority, pemmican was substituted by the priests in celebrating the holy communion. The Dakota Indians are also said to have given the name to the country and that its meaning when translated is "sanctified bread," and was called Indian bread. Its use by the priests in administering the sacrament of the Last Supper was not uncommon. Another authority claims that Pembina is the French word for "high bush cranberry," a fruit that grows wild in the country and is used with the buffalo meat in the preparation of "pemmican." In either case the words "Pembina" and "pemmican" are shown to be related and their meaning explained.

When the Hudson's Bay Company began its intercourse and business with the native inhabitants of the Red River Valley, it found that the missionaries had preceded them, but it remained for the fur company to establish on a substantial scale the fur industry which was destined to become for scores of years the leading industry of North America, and to give employment to many thousand people in procuring, transporting and disposing of the raw material.

After the close of the War of 1812 between the United States and Great Britain, an event that greatly interrupted the fur trade, the trading post built by Selkirk was discovered by some British astronomers to be located south of the boundary line, and his lordship, reputed to have been intensely hostile to Uncle Sam, and heartily loyal to John Bull, had it removed to Fort Garry, or to the site where Fort Garry was founded, now near Winnipeg. The Hudson's Bay people, however, constructed another post, safely, as they supposed, within the British

denominations, but near enough to the line to give them control of the fur traffic in the Pembina country. Selkirk died in 1820, being then in eastern Canada. The Northwest Fur Company, chartered by the Canadian government in 1780, had become a powerful and aggressive rival of the Hudson's Bay, and the competition between these rival organizations at times had led to acts of extreme violence and open warfare. Their difficulties were finally settled shortly after the death of Lord Selkirk, by merging the Northwest with the elder concern in 1821, an arrangement that gave to the Hudson's Bay people a monopoly of the fur traffic, and afforded an opportunity, which was improved, of exhibiting the remorseless character of those who controlled its Red River business.

This was about the time of the coming in of the first American traders from points on the Mississippi River. Fort Snelling, at the mouth of the Minnesota River, was built by the United States Government in 1820. Jesuit missionaries from Canada had made their way into the British colonies of the Red River Valley, even before the advent of Lord Selkirk, and thereafter, not only Roman Catholic but missionaries of other denominations arrived, being encouraged thereto by Selkirk, who felt that the secular interests of the country as well as the spiritual welfare of the people, would be greatly enhanced by the zealous labors of the disciples of all Christian denominations. Selkirk himself was a Protestant, but quite catholic in his administration of the affairs of his colony.

The fur industry had brought into the country, largely as employees of the rival companies, a number of British subjects of excellent business qualifications, and a much larger number of French Canadians, also British subjects, men with more or less experience in trapping and bartering with the natives. The trade of the Hudson's Bay Company not only covered the Red River and its tributaries, but extended to the Missouri River where many flourishing trading posts existed with which the foreign companies had business intercourse when the Spaniards owned that country and continued it surreptitiously after the Louisiana Purchase, though their trading on the soil of the United States had been interdicted by a law of Congress. This influx of white people, males only as a rule, had the natural result of many intermarriages with the native Indian women, so that in the course of a score or two years, the population of the country, whites and half-breeds only being included, numbered more than a thousand. Some authorities estimate the mixed bloods alone at about one thousand five hundred. This numerous native population inhabited the Red River Valley as far north as Fort Garry (now Winnipeg), and extended south as far as Grand Forks, though principally settled around Pembina and along the Pembina Valley to St. Joseph (now Walhalla). In the summer season it was customary for an entire village to break camp, and with their women, children and household goods, betake themselves to the buffalo pastures and spend the season slaughtering the buffalo which grazed in countless numbers on the plains, packing the meat for winter use, and tanning the robes for barter with the traders. These villages, at times, numbered as many as five hundred all told. The village of St. Joseph, on the Pembina River, was one of the best examples of a Red River half-breed community, composed principally of mixed-bloods. It contained at one time over two hundred buildings, and it was estimated that its population exceeded one thousand two hundred. This was about the year 1845. Its streets and lots were laid out by compass and chain, and a number of business houses did a flourishing trade. While the Roman Catholics largely predominated, the Presbyterians were well represented, and the former denomination had erected a fine church edifice. These people were not warlike, but peaceably disposed, and not remarkable for their intelligence or industry, but yielded cheerful obedience to their priests in observing the rites and ceremonies of the church. As a rule a priest would accompany them on their annual summer hunting excursions. In a crude way and limited in quantity some ground was tilled and grain and garden vegetables grown. There were, however, individual instances where farms were opened and domestic animals raised, that would be considered creditable in the best of rural communities.



TABLE ROCK, BIG SIOUX RIVER, SIOUX FALLS

The earliest white settlement in what was included in the Territory of Dakota, was that of Pembina, and was made in the year 1780, or a few years before the formation of the government of the United States and during the closing years of the Revolutionary war.

Major Stephen H. Long, U. S. A., led an exploring and scientific expedition from the headwaters of the Red River of the North along that valley to Pembina, in the year 1823.

The 49th parallel of north latitude was known to be the northern boundary of the United States, from the Lake of the Woods in Minnesota to the Rocky Mountains, but this line had never been definitely established. Major Long, at this time, located the parallel by astronomical observations. The new trading post of the Hudson's Bay Company was discovered to be on the United States side, and was moved across and re-erected on what was ascertained to be British soil by Major Long's official survey. Accompanying the Long expedition was a Mr. Keating, the historian, who found an old white trader living at the mouth of the Pembina River, who claimed to have been there over forty years, but whose name is not given. This trader was personally known to Keating. The date of this settlement corresponds nearly with the year which witnessed the organization of the Northwest Fur Company of Canada, an event immediately followed by the immigration of a large number of French Canadians to the Hudson's Bay and Red River country. Major Long found a Mr. Nolen residing at Pembina at the time who extended the hospitalities of his home to the major. The Red River settlements of that day were in no way connected with the southwest portions of the country, but they gradually grew toward the Missouri River under the enterprise of the fur companies. M. K. Armstrong, of Yankton, who visited Pembina in 1807, leading a surveying expedition to establish the seventh guide meridian, found old Peter Hayden at Pembina, who claimed to be seventy-six years old, and came over to the Hudson's Bay Territory in 1810, and made a settlement at or near Pembina in 1821, upon a parcel of land where he found an abandoned church building in a dilapidated condition. In 1840, Rev. Father Balcourt built a chapel at Pembina. At this time there were quite a number of French Canadian settlers, and also several bands of Chippewa Indians in that region. In 1843, the well known Commodore Kittson, who was connected for a time with the fur companies and afterwards a famous steamboat owner on the waters of Red River, established a mercantile house at Pembina.

KITTSOON AND ROLETTE

Norman W. Kittson was a Canadian, born about 1814; he went to Pembina in 1843 to engage in the fur trade, where, during the same year, he founded the Red River Transportation Company in connection with Joseph Rolette. He was the first postmaster at Pembina, appointed in 1849, by President Fillmore; and was elected to the Minnesota Territorial Legislature in 1855. He continued in the fur trade at Pembina and Turtle Mountain for many years. He is credited with building the first steamboat for traffic on the Red River. Kittson was favorably regarded by the half-breed population of that country and his influence usually carried whatever enterprise he engaged in. Prior to building his boat, he in company with Mr. Rolette, established a line of Red River carts connecting Pembina with St. Paul, in competition with the Hudson's Bay Company, and in 1847 attacked the English fort at Pembina, burned the buildings, and drove off the trader. Rolette had ambition for political distinction and was elected a member of the Territorial Legislature of Minnesota from the Pembina district, in 1853 and in 1855, and was a member of the last Territorial Assembly in 1857, prior to the admission of Minnesota into the Union. In 1851 the United States made Pembina the seat of a custom house with a revenue agent. Charles Cavileer, an Ohioan, was the first customs officer, and also deputy postmaster, and was a partner with Forbes & Kittson in their Indian trade. Cavileer's wife was a Scotch lady, born near Fort Garry, and educated in the mission schools. Cavileer

received his appointment from President Fillmore, the last of the Whig presidents, and about this time would seem an appropriate one to begin the history of the Red River country in connection with the history of Dakota.

When President Pierce came in in 1853 he appointed Norman Kittson as customs officer, and he in turn was succeeded by Joseph Beaupre of St. Cloud, Minnesota, and Beaupre by Hon. James McFetridge, who, in 1861, was elected a member of the Council of the Dakota Legislature by the Red River vote.

Pembina's first United States mail was received by dog train from St. Paul, once a month. In 1856 William H. Moorhead became a resident. He engaged in freighting with Red River carts from St. Paul. From this time the growth of the Pembina settlement amounted to very little until the treaty with the Chippewa Indians, in 1864, opened the valley to settlement. It may be remarked that it was during these years, 1856-57, that the settlements in the Big Sioux Valley, at Sioux Falls and Medary, and in the Missouri Valley at Yankton and opposite Fort Randall, had their beginning.

The famous Red River cart was made without any iron save a strap iron band about the hub, and cost in Red River currency, two pounds sterling. The carts were made up in trains of twenty-five to forty or more, each drawn by an ox and containing when on the march from eight hundred to one thousand pounds of freight. They were used largely in transporting merchandise from St. Paul, Minnesota, to the settlements on the Red River of the North, and to the trading posts of the Hudson's Bay Company, the Northwest Company, and many individual traders. They were operated by transportation companies. One half-breed would drive three or four carts, and the distance covered in a day was about twenty-five miles. The carts were good for three or four round trips from Garry or Pembina to St. Paul, a distance of three or four thousand miles. They were also in common use among the half-breeds for transporting their portable property, and Armstrong speaks of employing one while prosecuting his surveys, to carry himself and his instruments.

THE RED RIVER TREATY

The Chippewa Indians on the Red River had made no relinquishment of their title to the lands of that region until 1864. The Chippewas owned the land on both sides of the Red River and extending nearly across the northern part of Minnesota and also west as far as Devil's Lake, and the Cheyenne River, Dakota. Commissioners had effected a treaty with the Chippewas as early as 1851, when the treaties were made with the Sioux for their lands in Minnesota, but the treaty had never been ratified. In October, 1863, a treaty was concluded at the old crossing of Red Lake River, by Alexander Ramsey and Ashley C. Morrill, and the chiefs and head men of the Red Lake and Pembina bands of Chippewa Indians for the cession of a large tract of country, of which the boundaries are as follows: Commencing at the intersection of the national boundary with the Lake of the Woods; thence in a southwest direction to the head of Thief River; thence following that stream to its mouth; thence southeasterly in a direct line toward the head of Wild Rice River, and thence following the boundary of the Pillager cession of 1855 to the mouth of said river; thence up the channel of the Red River of the North to the mouth of the Cheyenne; thence up said river to Stump Lake near the eastern extremity of Devil's Lake, thence north to the international boundary; and thence east on said boundary to the place of beginning.

It embraced nearly all of the Red River Valley in Minnesota and Dakota, and was estimated to contain eleven million acres. This treaty was ratified by the Senate March 1, 1864, but certain amendments had been made by that body which required the assent of the Indians. This being obtained the treaty was confirmed by proclamation of President Lincoln, May, 1864. Thereafter the white settlements on Red River were entitled to the privileges and protection of the laws of Dakota.

FORT ABERCROMBIE

Fort Abercrombie, on the Red River of the North, was built in 1857, about the same time that Fort Randall was erected on the Missouri. It completed the chain of military posts partially encircling the frontier from Fort Leavenworth, Kansas, by Fort Riley, Fort Laramie, Fort Randall, Fort Abercrombie, Fort Ridgely, Minnesota, down to Fort Snelling at the mouth of the Minnesota River. It was located on the west bank of the Red River, just north of the 46th parallel of north latitude, and about twenty-five miles north of the headwaters of the Red, which is formed by two streams named Otter Tail and the Bois de Sioux. The post was built under the direction of Lieut.-Col. John J. Abercrombie, for whom it appears to have been named. Logs were the material used in its construction. It was a two company post. The fort was the practical head of navigation on the Red River during favorable seasons. Gen. Alfred Sully, who later won distinction in Dakota in the campaigns against the Sioux in 1863 and 1864, was stationed at Abercrombie shortly after the completion of the post, and marched across the plains with his company in 1858, to old Fort Pierre; returning to Fort Ridgely the year following.

At the time of the Little Crow outbreak in the Yellow Medicine country, Minnesota, in August, 1862, Fort Abercrombie was garrisoned by a portion of the Fifth Minnesota Volunteer Infantry, the regular troops having all been sent south for service with the forces who were then contending for the preservation of the Union against the armies of the Southern Confederacy. Fort Abercrombie lay almost directly in the path of the thousands of fleeing savages who were being pursued from the headwaters of the Minnesota River country by Sibley's troops. The pioneer settlers from a large section in the western part of Minnesota sought refuge at the fort at this time, though hundreds were killed before reaching it. The settlement of Breckinridge, some twenty miles south of the fort, on the Minnesota side, was deserted save by a few who sought to barricade one of the best buildings and defend themselves. They were, nevertheless, assailed by an overwhelming force of the hostiles, all killed, their bodies mutilated, and the town partially destroyed. The fort was besieged by the same merciless foe, and from about the 20th of August until the same date in September, the soldiers and settlers gathered there had almost daily conflicts with the savages who attempted to capture the fort and slaughter its inmates. About the 20th of the latter month substantial reinforcements arrived from Fort Snelling under Captain Emiel Buerger. The hostile Indians then abandoned the siege and pursued their way to the Cheyenne Valley and on to Devil's Lake, where they spent the winter. A portion of these Indian refugees found their way to the Chippewa lands on the Lower Red River, and were pursued and many captured by General Sibley. In this terrible crisis which for a time depopulated the frontiers of Minnesota and Dakota, Fort Abercrombie gave a good account of itself, and proved its inestimable value in succoring hundreds of helpless settlers and many women and children included, from massacre. Abercrombie was abandoned as a military post in 1877, and the improvements disposed of to homesteaders of the surrounding country.

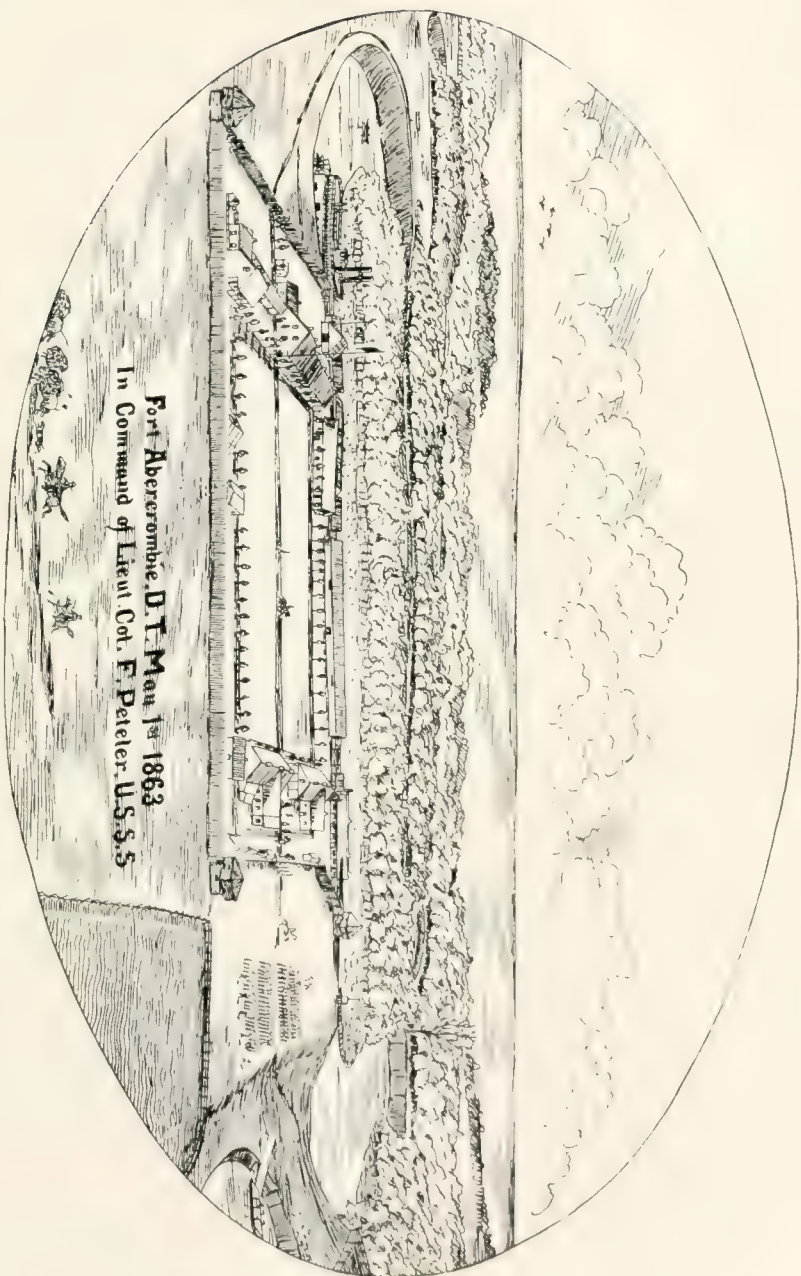
STEAMBOATING ON THE RED RIVER

The era during which steamboating flourished on the Red River of the North began two or three years earlier than the beginning of the same industry on the Upper Missouri River and flourished in the American waters of that stream contemporaneously with the period of activity on the Missouri, the industry rapidly declining in the early years of the decade beginning in 1880. The inception of the industry on Red River, south of Pembina, was in the year 1856 or 1857, when the steamboat *Anson Northrup*, built at or near Fort Abercrombie, expressly for the shallow waters of the Upper Red River, and owned and operated by Anson Northrup, its builder, made a trip from Abercrombie to Fort Gary and return.

The voyage down occupied twenty days. The boat carried freight and passengers, and at that time, owing to gold discoveries in British Columbia, there was quite an encouraging amount of travel out of the frontier settlement of St. Paul for the Red River country, many going out with the Red River cart-trains which made regular trips from St. Paul to Pembina. The Northrup was sold the following year to J. C. & H. C. Burbank, prominent in that day as the proprietors of Minnesota stage lines. The name of the Northrup was changed to that of the Pioneer, and after some needed remodeling, it was put into service and proved a profitable venture. In 1861 the second steamboat was built at Georgetown, and named the International; Capt. Norman W. Kittson was her commander, and may have been the owner. Kittson was a capable man, and well acquainted with the river, and the inhabitants of the country, chiefly Chippewa Indians and half-breeds. Kittson, however, spoke their language fluently, which accomplishment coupled with his fine address and genial manners, made him a popular character in such an important position. Citizens from the southern portion of the territory had occasion to visit the Red Valley during the early '60s, and on official political missions, and spoke of their acquaintance with the commodore as one of the pleasing memories of their journey. The Indian troubles, however, seriously interfered with business. The Indians along the river complained that the whistles of the boats frightened their game away; and at the same period the troubles that culminated in the Little Crow war of 1862 were beginning to have a detrimental effect on the freighting and passenger business through this exposed region. Navigation of the river by steamboats was nearly abandoned for a brief time; but in 1864 the Indian troubles quieted down and the International made one trip that year to Fort Garry, and thereafter and until 1870, there appears to have been no further effort to increase the commerce of the stream, though the boats then in commission were kept employed. In 1871, the steamboat Selkirk was built for Hill & Griggs, with Alex Griggs as master. The Mr. Hill of the firm is presumed to be Mr. James J. Hill, who has since achieved renown as the railway king of the entire country. He was then getting acquainted with the transportation business. The Selkirk was a success, and soon added the former Pioneer and International to its line, so that the firm controlled a small fleet and did a thriving business. In the meantime the steamboat Manitoba had been built in 1874 at Winnipeg, the name of the town that had sprung into existence near the site of Fort Garry, and the capital of the Province of Manitoba. Another vessel named the Minnesota was put in commission in 1875. In 1876 Commodore Kittson bought both the Manitoba and Minnesota, and a new company was then organized called the Red River Transportation Company, and their steamboats were called the Kittson Line, and included the International, Captain Painter; the Selkirk, Capt. John Griggs; the Manitoba, Capt. Alex Griggs; the Minnesota, Captain Timeus; the Dakota, Captain Seigers; and the Alpha, Captain Russell. If the old Pioneer boat built by Mr. Northrup was in this fleet, it was steaming around under a new title. In 1872 the Northern Pacific Railroad had reached Moorhead, Minnesota, on the Red River, and that point became the head of navigation and the transfer point from the railroad to the steamboats for passengers and freight destined for the Red River settlements as far down as Winnipeg.

By 1876 the transportation business had increased enormously, with the completion of the shortening of the route by river and cutting off the portion of the stream which had presented the greatest obstacles to navigation. But the increase of tonnage and passengers had kept up with the increased facilities for carrying it, and the Kittson Line was abundantly patronized and proved a very lucrative enterprise for the owners as well as an important factor in the growth and settlement of the country.

These steamboats, as a rule, towed from two to a dozen barges all laden with merchandise, and in later years the volume of goods to be carried north increased to that extent that the boats continued running until the ice closed the stream, and when this occurred there would be waiting for shipment a thousand or fifteen



NEAR SOURCES OF THE RED RIVER OF THE NORTH
Drawn by a soldier stationed at the Fort in 1862-3

hundred tons destined for the lower river as far north as Fort Garry. The transportation of these belated supplies to their destination was performed during the winter by teams. The tonnage of the Red River during these active years was given in round numbers at 60,000 tons per annum. But its days were numbered. The St. Paul & Pacific continued the construction of its line from Crookston north, and reached the international boundary at St. Vincent, on the Minnesota side of the Red, in 1878, where it joined with the Canadian Pacific which had been built up to the boundary from Winnipeg, and thereafter the railways monopolized the carrying trade of the Red River.

In this connection it will not be out of place to note the first adventure in transporting supplies by way of the Minnesota and Red rivers, to the Pembina settlement.

An incident connected with its earliest navigation in 1820 is made the subject of a brief sketch by General Sibley, which he furnished the Historical Society of Minnesota. The sketch tells of a trip from Prairie du Chien, Wisconsin, to Pembina, with Mackinaw boats:

In 1820, on the 15th day of April, three Mackinaw boats, manned with six hands each, laden with 200 bushels of wheat, 100 bushels of oats, and thirty bushels of peas, under the charge of Messrs. Graham and Laidlaw, left Prairie du Chien, Wisconsin, on the Mississippi River, for Selkirk's colony on the Red River of the North. They were detained by ice at Lake Pepin, and the crews planted the Maypole thereon. On the 3d of May the ice was sufficiently broken up to allow the passage of the boats through the lake. The voyage was continued up the Minnesota River to Big Stone Lake, from which a portage was made into Lake Traverse, about one and a half miles distant, the boats being drawn across on wooden rollers. Traversing the latter body of water and descending the Sioux Wood River to the Red River, the party arrived at Pembina in safety, with their charge, on the 3d day of June. Pembina was at that time a small hamlet, the rival companies of the Northwest and Hudson's Bay having each a trading post at the confluence of the Pembina River with the Red River, but on opposite sides of the former. The crop at Selkirk's colony having entirely failed the previous year, the grain was much needed for seed the ensuing season, and, of course, commanded a high price. The trip performed in these boats is worthy of mention, as it is the only instance of heavy articles being transported the entire distance from Prairie du Chien to the Red River settlements, with the exception of the portage between Big Stone and Traverse lakes, by water. The party returned across the plains, on foot, as far as Big Stone Lake, from which point they descended to Prairie du Chien in canoes.

PUBLIC LAND SURVEYS

The first public land surveys in the Red River of the North country were made by M. K. Armstrong, in 1867, who was selected by Surveyor General Tripp to perform the important work. It became necessary, before the work of townshipping and subdividing was done, to extend the eleventh, and establish the twelfth, thirteenth, fourteenth and fifteenth standard parallels north, and extend the seventh guide meridian from the seventh standard parallel to the international boundary through the country ceded by the Red Lake and Pembina bands of Chippewa Indians in 1864, in order to reach the locality of Pembina, which was presumed to be about two miles south of the international boundary, as astronomically established in 1823, by Major Long, United States topographical engineer. Armstrong was further instructed to run and define the international boundary for a distance of forty miles west along the 49th parallel from the post on the west bank of Red River placed by Major Long. It was the most important work that had ever devolved on the Dakota office, and the execution of the work involved all the hazards incident to an unexplored wilderness inhabited by a race of savage people.

Mr. Armstrong selected his assistants and procured his outfit at Yankton. In his company were Samuel Morrow, Thomas A. McLeese, Louis Frick and William Brewster. The party started on its journey overland June 15th, taking a direction north by east, passing near Sioux Falls, thence up the Big Sioux, and across to the headwaters of the Red River, thence to Fort Abercrombie, where the first halt was made, and where it remained a few days resting and making final prep-

missions for its important duties. Leaving Abercrombie, they could not expect to meet with a white man or a semblance of civilization until they entered the Pembina settlement. Settlements at that time had extended but a very few miles north or east of the Missouri River in Dakota. While encountering many difficulties, suffering some privations and experiencing many exciting adventures, nearly devoured at times by myriads of mosquitoes and buffalo gnats, the purpose of their long journey was successfully accomplished, and they returned to their homes in November following, with their scalps on, which it may be added, was about all they did have on. They had traveled 600 miles across the trackless prairies of Dakota, traversing the territory from its extreme southern boundary to its northernmost limit, walking the entire distance, and were probably the only human beings of any race who have made the journey through the Dakotas afoot. The party met with no disturbance from the Indians, enjoyed a number of thrilling occasions chasing the American bison, upon whose meat, in the form of pemmican, when obtainable in the chase, they mainly subsisted. The members of the party had made good use of their opportunity to observe the natural features of the country, and were able to give the settlers on the Missouri border the assurance that Dakota was a vast domain of fertility, that would some day produce sufficient food products to supply the inhabitants of the United States with their bread and meat.

Regarding the character of the country, Armstrong says:

This portion of Dakota is in reality a timbered region. I ran a line seventeen miles long through a heavy forest of oak, ash, birch and whitewood. These woods abound with bear, moose and wolves in the way of game, and as for fruit, strawberries, cherries and cranberries grow in profusion. The birds of the forest are here, the blue-jay, the pigeon, and the mocking bird being seen daily in the woods.

Concerning the people of the Pembina region, Mr. Armstrong wrote:

There were a great many, and they lived on pounded buffalo meat, or "pemmican," and called themselves "plain hunters." They make their annual summer visits to the plains with horses, oxen, carts, and families to procure meat and robes, and return late in the fall to live in their thatched-roof log houses on Pembina River, of which the woods are filled for sixteen miles below St. Joe. This pemmican trade is like our fisheries, and is carried on almost as extensively, 300 carts sometimes going out in one train. The pemmican is made by drying and stripping the buffalo meat, then threshing the same with a flail, like wheat, till broken into fine shreds; the tallow of the buffalo is then heated to a liquid and poured onto the meat, and the whole mixed with a wooden shovel, like mortar for plastering, and the entire compound, with berries and other fruits, is then shoveled into a sack of raw buffalo hide, which, when cooled, becomes as hard as wood and has to be cut or shaved off with an axe for cooking. This is the food our party has been living on for the last six weeks, and I must say that when dished up "in style" with onions, potatoes and flour, salt and pepper, it is very nutritious, and a palatable food. This, with black tea, maple sugar, and rather hard shelled bread, completes a northern meal.

As for the means of transportation, large wooden wheel carts, tireless and with unbanded hubs, harnessed with rawhide to an ox or horse, constitutes a team, so much so that the roads are all three tracked cart trails, making them very tiresome for two horses. During my survey I have had some Cree and French half-breeds with me and two of these ox-carts, and it would make a white man look wild to see these two wheeled things go through the woods, smashing through brush, tumbling over logs, and fallen trees, and plunging down steep river banks, sometimes both ox and half-breed under the cart, and the next moment coming up all right on the other side. As for myself, I stopped riding in these northern sulkies after my first effort in crossing a creek, when I was thrown, compass and all, high and dry into a neighboring tree.

I found these people are among the happiest in the world. If they only have enough to eat, their mind and hardships are all the same to them, and after their day's labor is over, and before dark, they build a blazing campfire and with the iron kettle for a drum, they perform their Indian dance and song for hours, and when they retire for the night they rest their heads and go through with the Catholic prayer. The Catholic religion is the dominant one among the people here. They have a church at St. Joe, and there is no other place where they observe the Sabbath.



PORT GARRY
Food have sent in foreground. As Fort Douglas this assemblage of the Hudson Bay trading post was first erected
near Pembina, North Dakota

THE INTERNATIONAL BOUNDARY LINE

In prosecuting this work, Mr. Armstrong found by actual measurement that the 49th parallel crossed the Red River about one and one-half miles north of the boundary established by Major Long, leaving the Hudson's Bay post within the United States. The improvements were not again disturbed at this time. The situation was explained to the United States authorities and the British ambassador at Washington, whereupon it was tacitly agreed to permit the company to continue business, foreseeing that the day was rapidly approaching when the company would abandon the post in any event. This post was the one taken by Riel's rebels a year or two later, and resulted in a case in court at Pembina and the liberation of Riel's followers. Armstrong's report led to a further and more accurate astronomical survey by the War Department in 1870, when Captain Heap, A. A. A., after the most careful observations with the best equipment obtainable, planted the boundary monument one mile and 683 feet north of the old oak post which Major Long had set to define the line, and about 400 feet south of Armstrong's line. Armstrong's measurements were unquestionably correct, but a parallel of latitude is not located by the surveyor's chain. The proximity of the measured line with that fixed by the astronomer entirely satisfied both governments that the correct boundary had been found and marked, near enough to the imaginary circle for all practical purposes. The boundary was, several years later, marked by iron posts between the Lake of the Woods and the Rocky Mountains.

RED RIVER ELECTIONS

Mr. Armstrong attended one of the far-famed "Red River Elections," the regular territorial election, held at St. Joseph, October 8, 1867. He left his work in the field, nine miles away, in order to be a personal witness of an event which had decided one or more territorial elections in Minnesota, and certainly one in Dakota. Of the visit he wrote: "Two hundred and fifty votes were polled at St. Joseph, mostly all in the morning before I reached the polls, and about thirty at Pembina."

The voting population of the Pembina district was a much mooted question at that time and for some time later. Prior to the admission of Minnesota into the Union in 1858, the Pembina district formed a large part of the Territory of Minnesota and contributed several hundred votes at each territorial election to the ticket, and when the country became a part of the Territory of Dakota there was only a slight, if any, diminution of its vote, which biennially disturbed the calculations of Dakota's candidates for Congress, who, being Southern Dakotans, were separated from their northern constituents on the Pembina River by at least a thousand miles by the nearest practicable route, which was by way of St. Paul. It was the Red River vote that decided the contest for delegate to Congress between Todd and Jayne, unseating the latter in 1864, after he had occupied the place for more than a year. It was the Red River vote that led Congress to decide that Indian land was not an Indian reservation within the meaning of the organic act, unless it had been specifically reserved by treaty.

All this, however, was before the day of the settlement of that country by legitimate immigration of citizens of the United States. In the late '60s the Chippewa treaty had been made and this state of political affairs began to correct itself. A judicial district had been formed for the northern part of the territory, and the United States court established with Pembina as its seat, and by 1870 the people began to observe the written law without protest.

RED RIVER COUNTIES

Under the proclamation of Governor Jayne, issued in 1861, calling the first election held in the Territory of Dakota, the Red River country was made a

part of the First Council District, extending from the mouth of the Big Sioux River on the south to the international boundary line, taking in the settlements at Pembina and St. Joseph, and also those at Sioux Falls and below, including that portion afterwards included in Cole County. This was the First Council District, extending the entire length of the territory, distance about 450 miles, and given two councilmen. The western boundary was the range line dividing ranges 50 and 51. It is now the dividing line between Union and Clay counties.

All that portion of the territory lying on the Red River of the North, including the settlements at Pembina and St. Joseph, was made the Third Representative District and given one representative. The election in 1861 at Pembina Precinct was held at the home of Charles LeMay, and James McFetridge, Hugh Donaldson and Charles LeMay were appointed judges of election. At St. Joseph the election was held at the house of Baptiste Shorette, and the judges of election were Charles Bottineau, Baptiste Shorette and Antoine Zangrean (or Gingras). The election was held on the 16th of September, 1861, and Hugh S. Donaldson was elected representative. James McFetridge was a candidate for councilman, and received all the votes at Pembina and St. Joseph, nearly 200, but was not voted for in the precincts at Sioux Falls, Elk Point and Big Sioux, and the certificates of election to the two councilmen voted for in that district were given by the governor of the territory, to whom the returns were made and who canvassed the vote, to Austin Cole, of Big Sioux Point, and W. W. Brookings, of Sioux Falls. McFetridge, however, appeared at Yankton at the opening of the first session, and filed his claim to the seat held by Brookings, but no contest was made, the matter being arranged, outside the council, by an agreement to give to Red River an independent, or separate, council and representative district, with one councilman and two representatives, and such a law was passed at this session in words following:

That all that portion of the territory lying on the Red River, including the settlements of Pembina and St. Joseph, shall constitute the Seventh Council District of the Territory of Dakota, and shall be entitled to one councilman and two representatives in the Legislative Assembly of the Territory.

At the second session of the Legislature, 1862-63, the said Seventh district was represented by James McFetridge in the council, and Hugh S. Donaldson and J. Y. Buckman in the House of Representatives.

At the first session of the Legislature, held in March, 1862, a law was enacted defining the boundaries of four counties bordering the Red River and extending from the international boundary south to the north line of Deuel County, which was on township line number 124 north of range 53 east. The names of these counties were Kittson, beginning at the 49th parallel and extending south sixty miles, or through ten townships, where it was joined by Chippewa County, embracing also ten townships, or sixty miles further south; then came Stevens County, embracing a like number of townships; and last, the County of Cheyenne, whose southern boundary was the north line of Deuel County. The western boundary of all these counties was the west line of range 62; the eastern boundary, the Red River. Kittson County, the farthest north, in which the towns or settlements of Pembina and St. Joseph were situated, appears to have been the only one of the four in which there were any settlements of white people at that time, and very few were citizens of the United States. The act defining the boundaries of the counties named St. Joseph as the temporary county seat of Kittson, and another enactment incorporated the Town of St. Joseph, authorizing the citizens to elect for their governing body a town council, and naming John B. Wilkie as the first president of said town.

The County of Kittson was organized the same year by the governor, who appointed as the board of county commissioners Norman W. Kittson, Charles LeMay and Baptiste Shorette, which board met at St. Joseph in June, 1862, and

completed the organization, appointing Charles Morian as register of deeds and county clerk, and Joe Rolette, sheriff.

No representative from the Red River for either house appeared at the capital during the session of the Legislature of 1863-64, the third session, although under the law above quoted the Seventh district was plainly entitled to one councilman and two representatives. No record was known of any election being held either at St. Joseph or Pembina, in 1863, when the members of the Legislative Assembly throughout the territory were elected. The Indian war was at full tide during the year, and Sibley's expedition had overrun the northern portion of the territory, and the presumption was that no attention was given to political matters in Kittson County.

The contest for the seat of delegate from Dakota between Todd and Jayne, which had been before Congress during 1863, had served to make public the character of the Red River vote, and the fact that the Indian title to the soil of that section had not been extinguished. The minority report of the committee in that case, supporting the Jayne side of the controversy, was mainly devoted to the fraudulent character of the Red River vote, as upon the admission or rejection of that vote depended the result of the contest. The majority report had counted the full vote of the Red River precincts, St. Joseph and Pembina, giving 125 votes for Todd and 19 for Jayne. The minority report said:

First, the census taken about one year prior to the election, showing that in the whole Red River country there were of white males but fifty-one, and of these over the age of twenty-one but forty-two.

From the testimony of Joseph V. Buckman, taken March 11, 1863, before Hon. W. F. Purcell, judge of the Orphans' Court in the District of Columbia, on notice duly given, both parties being present at the examination, the contestant, however, under protest and objecting to the jurisdiction of Judge Purcell to take the testimony. This testimony shows that there were but six white persons, native-born and naturalized, present at the St. Joseph precinct on the day of election. The witness had been an Indian trader and postmaster at Pembina for several years; was well acquainted, and swears that he did not think that more than ten or twelve white persons were present on the day of election, and of this number there were but three who were native-born citizens of the United States, and three others who claimed to be naturalized, and none who had made declaration to become citizens; that forty-six or forty-eight votes were cast for delegate at the election; that the excess over the number of legal voters present was cast by illegal voters, mostly half-breeds; and that there was added to the vote cast, after the close of the polls, a little over one hundred votes.

It is probable that in the face of these disclosures by Buckman, who had been elected to the Legislature of Dakota by the same vote, but whose title was not contested, the sentiment of the law-abiding Red River people was averse to further elections until after the treaty of cession with the Chippewas was concluded, and this treaty had already been practically agreed upon. It will be seen, however, that Congress recognized the vote of that section to the fullest extent. The majority report, known as the Dawes report, which gave the seat to Todd, held that the testimony of Buckman, being taken after the time for taking depositions had expired, must be excluded. No criticism was made of the reliability of the testimony. Regarding the claim that the vote was illegal and void because the Indian title to the country had not been extinguished, the majority report held that the provisions of the organic act governing this matter did not apply "to territory upon which Indians may happen to be living, but only to such portions as are held by tribes under or by virtue of treaties defining boundaries and stipulating for exclusive jurisdiction to be exercised by the tribe holding them."

No such treaty existed covering any portion of the election precinct in Kittson County, and therefore the vote could not be excluded for that reason.

The Red River country had participated for a number of years in the territorial elections of Minnesota prior to the organization of Dakota Territory, and this fact weighed in favor of the recognition of the vote cast there in 1862 which Congress now gave it, for to exclude it as fraudulent might have been taken as an indirect reflection upon the former government of a sister state.

In view of the political condition of the Red River country as shown by the disclosures made in the Todd-Jayne contest, the Legislative Assembly of the territory, which convened in December, 1863, took official notice thereof, and quite early in the session bills were introduced in both houses for the repeal of the laws creating the Seventh Council and Representative District, and also the act establishing the counties of Kittson, Cheyenne, Stevens and Chippewa. The House bill passed that body the first week of the session, but was not approved by the Council, where a bill for the same purpose had been introduced and was being considered by the Committee on Elections, which committee reported favorably, accompanying its report with a statement of the reasons governing its recommendation, from which statement the following paragraph is taken:

The fact that the counties of Kittson, Chippewa, Cheyenne and Stevens were created on domain from which the Indian title had not been extinguished, and consequently not under the executive, legislative or judicial jurisdiction of our territorial laws and courts, is of sufficient importance to justify the repeal of the statutes creating them. The further fact that representatives from the Red River districts, when residing in the territory comprised in these counties are not amenable to the laws they themselves aid in enacting, is a sufficient cause for denying them any participation in the enactment of such laws. The fact that they enjoy a total immunity from taxation, and from the provisions of all general laws enacted by the Territorial Legislature, of itself sufficiently denies the justice and equity of any claim to representation in this law-making body on an equality with the members from other districts.

The report also recommended that the Legislature memorialize the President in behalf of an early treaty with the Chippewa Indians, in order to open the Red River country to settlement, and admit its settlers to the enjoyment of their political rights and to the advantages and protection of the territorial laws. The report also alludes to the diversity of the commercial and social interests existing between the northern and southern sections of the territory, thus early recognizing a situation which was revealed when the northern section became settled.

The Council bill passed by a three-fourths vote; the House also passed it, and the governor approved it, leaving the Red River country in the same political situation it held prior to the organization of the territory. No further action was taken regarding Red River matters at this session, nor at the following session in 1864-65; but in the Council in 1865-66, Mr. Turner introduced a bill to re-establish the counties of Kittson, Cheyenne, Stevens and Chippewa. This bill was amended in committee by striking out these several names and inserting the name "Pembina" in lieu thereof, and thus amended the bill passed the Council, but was defeated in the House near the close of the session.

The treaty with the Sioux Indians at Lake Traverse in 1851 ceded a portion of the Red River country, beginning at the junction of Buffalo River (north of Moorhead, Minnesota) with the Red River of the North, thence along the western bank of the said Red River of the North to the mouth of the Sioux Wood River; thence along the western bank of Sioux Wood River to Lake Traverse; thence along the western slope of said lake to the southern extremity thereof; thence in a direct line to the junction of Kampseska Lake with Tchan-kas-an-data, or Big Sioux, River; thence along the western bank of said river to its point of intersection with the northern line of the State of Iowa, including all the islands in said river and lakes.

The treaty made with the Red Lake and Pembina bands of Chippewa Indians in 1863 ceded to the United States a large area of land in Minnesota and in Dakota Territory, "beginning on the Red River at the mouth of the Wild Rice River in Minnesota, thence up the main channel of the Red River to the mouth of the

Cheyenne; thence up the main channel of the Cheyenne River to Poplar Grove; thence in a direct line to the Place of Stumps, otherwise called Lake Chicot; thence in a direct line to the head of the main branch of Salt River; thence in a direct line due north to the point where such line intersects the international boundary aforesaid; thence eastward along said boundary to the place of beginning. (This place of beginning was on the international boundary line in Minnesota where the said boundary line intersects the Lake of the Woods.) This treaty, owing to amendments made by the United States Senate, was not completed until 1867. This treaty freed a large area of the Red River country of the Indian title extending from the international boundary south to the sources of Red River.

PEMBINA COUNTY

At the session of the Legislature of 1866-67 a law was enacted to establish the County of Pembina and for other purposes, also creating the Seventh Representative District, and giving to that district one representative in the House, and at the following session in 1867-68 a Red River representative from Pembina County appeared at the capitol in the person of Hon. Enos Stutsman, formerly of Yankton County, who had already served nearly three terms in the Council. Mr. Stutsman had been appointed revenue agent by the federal authorities in 1866, and in the course of his official duties had visited the custom house at Pembina where he was so favorably impressed by the country and its prospects that he became a citizen of the county. His selection for representative was a fortunate one for the northern part of the territory. He was elected speaker of the House, and during the session succeeded in having passed a number of memorials to Congress for the benefit of the northern part of the territory, among them one calling for a United States land office at Pembina, which was established two years later. A memorial asking for a division of the territory on the 46th parallel was passed at this session.

The Pembina district was represented by Mr. Stutsman at the following session, 1868-69, during which a new apportionment of legislative members was made giving to the Seventh district one councilman and one representative. Pembina County was also made a part of the Third Judicial District of the territory.

A memorial to Congress asking for a division of the territory on the 46th parallel of north latitude was passed at this session.

At the election in 1869 Enos Stutsman was elected councilman and John Hancock elected representative, but as Congress had provided for biennial sessions of the Legislature, the next Legislative Assembly did not convene until December, 1870. At the convening of this session (December, 1870) it was manifest that the Red River country had made notable advances in population and settlement and was beginning not only to attract immigration but was seen to be the active field of great commercial enterprises. The Northern Pacific Railway had been under construction through the State of Minnesota during the year past, and promised to enter the Territory of Dakota within the next twelve months. Already a vanguard of settlers had preceded it. During this session the County of Pembina was given new boundaries, as follows:

Beginning at the northeast corner of Deuel County on the forty-sixth parallel of north latitude; thence north along the western boundary of the State of Minnesota to the northeast corner of the Territory of Dakota; thence west along the international boundary line to the ninth guide meridian; thence south along said meridian to the forty-sixth parallel of north latitude; thence east along said parallel to the place of beginning.

The ninth guide meridian passed just west of Devil's Lake and south through the center of Stutsman County. The boundaries of Pembina County as thus defined enclosed about one-half of the northern part of the territory east of the Missouri River.

A new apportionment of members of the Legislature was made at this legislative session of 1870-71, which gave to Pembina County one councilman and one representative. Pembina County was also constituted a part of the Third Judicial District of the territory and a district court ordered to be held at the Town of Pembina on the first Tuesday in June and September of each year. An act was passed authorizing the county commissioners of Pembina County to raise money to build a jail at Pembina. Memorials were passed asking for the organization of a new territory in the northern portion of Dakota; also to increase mail service from Abercrombie to Pembina to six times a week; also to remove obstructions in the Red River of the North; also for an appropriation for a suitable building for a United States land office, custom house, post office and United States court at Pembina; also to remove the Chippewa Indians to White Earth Agency.

In 1872 Enos Stutsman was elected to the Territorial Council from the Seventh Legislative District, and Judson LaMoure, of Pembina, was elected to the House of Representatives. During this year the Northern Pacific Railroad had been graded and the iron laid across the territory from the Red River practically to the Missouri. Mr. Stutsman was elected president of the Council at the convening of the Legislature at Yankton in December, 1872. A Mr. Stone, of Fargo, entered a contest for Stutsman's seat on the ground that he had received the highest number of votes in the Seventh district, but soon after withdrew his claim and left the capital. At this session a large number of new counties were added to the map and for the first time in the history of the territory every portion of its area, including the Indian reservations, was enclosed within county boundaries.

Along the Red River the boundaries of Pembina County were re-defined, and the counties of Grand Forks, Cass and Richland were carved out of the former Pembina, together with a number adjoining them on the west. The new boundaries of Pembina County were thus given:

Section 1. That all that district of country included within the following boundary lines, to wit: Beginning at the northeast corner of the Territory of Dakota, on the forty-ninth parallel of north latitude; thence running west on said parallel of latitude to a point where the same is intersected by the eighth guide meridian; thence running south on said guide meridian to its intersection with the fourteenth standard parallel; thence running east on said fourteenth standard parallel to the western boundary line of the State of Minnesota; and thence northerly on the said boundary of said state to the point of beginning, shall be, and the same is hereby declared to be, and is constituted the County of Pembina, the county seat of which shall be and is hereby located at the Town of Pembina, and the county and precinct officers elected for Pembina County, at the last election, who shall qualify according to law, shall be the county and precinct officers of Pembina County, save in such case where a vacancy in either of such offices may be created by the provisions of this act, in which case such vacancy shall be filled by appointment by the majority of the board of county commissioners of said county.



STEAMER SELKIRK

Floating palace of the Red River of the North. Built in 1871



ALONG THE BIG SIOUX RIVER AT SIOUX FALLS

CHAPTER XIII

SIOUX FALLS AND BIG SIOUX VALLEY

1857-60

SIOUX FALLS, MEDARY AND FLANDREAU—EARLIEST SETTLEMENTS—DUBUQUE AND ST. PAUL COMPANIES LOCATE TOWNSITES IN 1857—DRIVEN OFF BY YANKTONNAIS INDIANS; RETURN WITH REINFORCEMENTS AND A SAWMILL AND MAKE SUBSTANTIAL IMPROVEMENTS—TWO TOWNSITES TAKEN AT THE FALLS—PROMOTERS DESIGN TO ORGANIZE NEW TERRITORY AND MAKE SIOUX FALLS THE CAPITAL—HOLD ELECTION—LARGE VOTE POLLED—J. P. KIDDER ELECTED DELEGATE TO CONGRESS—PROVISIONAL TERRITORIAL GOVERNMENT SET UP—LEGISLATURE CONVENES AND PASSES MEMORIAL—DELEGATE KIDDER REFUSED A SEAT AS DELEGATE—DAKOTA DEMOCRAT PUBLISHED—INDIANS CONTINUE HOSTILE—MEDARY EVACUATED—SIOUX FALLS PREPARES FOR DEFENSE—JUDGE FLANDREAU'S LETTER AND MR. ALLBRIGHT'S STATEMENT—W. W. BROOKINGS MAKES A STATEMENT—DAKOTA CAVALRY MEET AND DEFEAT THE HOSTILE INDIANS IN THEIR FIRST BATTLE—GOVERNOR ORDERS EVACUATION OF THE FALLS SETTLEMENT—THE OCCUPATION OF THE COUNTRY A PREMATURE ENTERPRISE.

In the latter part of the summer of 1856, Dr. J. M. Staples of Dubuque, Iowa, while on a tour of the Upper Mississippi, obtained a copy of "Nicollet's Travels in the Northwest in 1839," in which was a description of the Big Sioux, called by the Indians "Te-hau-kas-an-data," or the "Thick Wooded River." The doctor was immediately struck by Nicollet's graphic description of this favored region, and the land and town speculative fever at that time running high, he at once set about forming a company to secure so desirable a location. The result was the organization of the Western Town Company of Dubuque, Iowa, composed of Dr. J. M. Staples, Mayor Hetherington of Dubuque, Dennis Mahoney, editor of the Dubuque Herald; Austin Adams, afterward Judge Adams of the Iowa Supreme Court; George P. Waldron, William Tripp, W. W. Brookings, Dr. J. L. Phillips, and possibly some others.

In October following, Ezra Millard of Sioux City, later president of the First National Bank of Omaha, was employed by this company to go in quest of these remarkable falls and to make a townsite claim contiguous to them of 320 acres. Mr. Millard, in company with David M. Mills, also of or near Sioux City, started from this latter place in September, 1856, to explore the Big Sioux River and find these remarkable falls described by Nicollet. They were several days journeying along the Iowa side of the stream, examining it closely and following all of its multitudinous windings, apprehensive that the locality they were in search of was concealed in the woods and heavy underbrush that frequently dotted the margin of the river. At the expiration of the tenth day, as near as these explorers can estimate, they reached the summit of the bluff bordering the Sioux, about a mile below the island, where the great falls of the Sioux and the beautiful wooded island near the foot of the cascades burst like a magnificent vision upon their view and fairly entranced them as they sat in their wagon and silently studied the splendors of the scene. They realized for the time that they had found one of Nature's grandest marvels, that would become famous among the scenic splendors of the world.

These delightful sensations were, however, of brief duration, for even as they sat there drinking in the enchanting beauty of the scene, a band of red-skinned men, bedecked in the scant and hideous apparel of warriors, rose before them, and before our explorers could speak or had overcome a bit of their astonishment, two of the stalwart savages seized the horses by their bridles, wheeled them around with their backs to the magnificent picture, and, pointing south, spoke out in angry and sullen tones an order to the intruders to depart without a moment's lingering and go back where they came from. The situation was one that appealed very strongly to discretion and not at all to valor. The discoverers did not need a second order. The flashing eyes, the fiercely sullen expression, and the stifled gruffness of the command to "go," uttered with clenched teeth and with threatening gestures, were evidences that the Indians would admit of no parleying—not a word was uttered in reply—not even a backward look—but urging their weary animals into a double-quick they did not halt in their journey southward until they reached Split Rock River, some twelve miles away, and here they were compelled from sheer exhaustion to camp and spend the cheerless night. Early the following morning they were up and on the trail, and the second day after reached Sioux City, unimpaired in limb and loud in voicing the grandeur and value of their magnificent discovery, but somewhat reticent regarding the abruptness of their departure. Mr. Mills appeared to have been of that mold who would not easily accept defeat, particularly when the reward was great and the risk no greater than the menace of a few angry Indians, and a few weeks later found him alone on the trail again, bound for the Falls of the Sioux, which he reached. Having no unpleasant experiences, as pioneers view it, he took up a claim and built a sort of cabin, where he says he resided for a year, but it is more probable that he took a vacation for the winter and returned to his home further down the river or at Sioux City. His name does not appear among the settlers who came in during the year following and who are all presumed to be mentioned in the records.

Mills also took a personal claim, covering the northwest quarter of section 16, township 101, range 49, which included Brookings Island, and built himself a small 10 by 12 cabin on the island. (This land, the reader will understand, had been ceded by the Sioux treaty at Lake Travers and Mendota in 1851 and was open to settlement.)

In May, 1857, Jesse T. Jarrett, Barclay Jarrett, John McClellan, James Farwell and Halvor Oleson, employees of the Western Town Company of Dubuque, reached the falls. Jarrett (Jesse) was in charge of the party, and they took up 320 acres bordering the falls in the name of the Western Townsite Company for townsite purposes. The tract selected for the townsite was described as the northeast quarter of section 16 and the northwest quarter of section 9, township 101, range 49, to which they gave the name of "Sioux Falls."

In June following, Messrs. Franklin J. Dewitt, Alpheus G. Fuller, Sam A. Medary, Jr. (son of the governor of Minnesota Territory), J. K. Brown, W. K. Noble, S. F. Brown, J. L. Fiske, Artemas Gale, James M. Allen, James McBride, James Evans, James McCall, William Settley and Arnold Merrill, representing (as owners and employees) the Dakota Land Company of St. Paul, came to a point on the Minnesota River by steamboat—probably New Ulm—where they divided into two or three parties and pursued their journey overland to the Big Sioux River, the party headed by Dewitt striking the river the farthest north, where they located and improved a townsite which they named Medary. Another party struck the river farther south and located the Town of Flandreau, while the third party, headed by Smith and Fuller, with Noble, Gale, Allen, Kilgore and Fiske, made their way to Sioux Falls, arriving about June 20th, and were greatly surprised to find another party in possession, who had already made choice of and located the Dubuque company's townsite.



FIRST CATARACT HOUSE, SIOUX FALLS, 1872

Showing the old stage coach

However, the St. Paul people concluded to make the best of conditions, and selected the 320 acres immediately adjoining the "Sioux Falls" townsite, and gave the title of "Sioux Falls City" to their selection, the Dubuque people having appropriated the title of "Sioux Falls."

This most important part of their mission accomplished—a townsite secured—the St. Paul people returned home, leaving their interests in charge of James L. Fiske and James McBride. There were five men in the Dubuque party, viz.: Jesse Jarrett, the superintendent; Barclay Jarrett, John McClellan, Farwell and Oleson, who with these two representatives of St. Paul, constituted a force of seven. These pioneers were then confronted with the growing antipathy of the Indians who had annoyed them by their presence and importunate attentions from their earliest arrival, but in July their conduct betrayed symptoms of extreme ugliness which culminated in an order to the whites to abandon their settlement and leave the country, or they would be driven off. The Indians were much more numerous than the whites. They claimed that the land was theirs, that they had not been consulted when the alleged treaty was made and did not recognize it. It is supposed that "Drifting Goose," a Yanktonnais chief, was at the head of these belligerently inclined redskins. He was recognized years later as the leader of a serious trouble in the James River country. An attempt was made to pacify the Indians with presents of blankets, sugar and bacon, but the truce induced by this means was of short duration, and finally the palefaces were informed that they must leave "before another sunset" or there would be trouble of a serious character. The settlers had become convinced that the Indians had imbibed the war spirit, and as they were outnumbered and not prepared for a battle or even a safe defense, they concluded to evacuate the place, which they did, taking with them their property. The Indians did not molest their persons, and had evidently concluded that the best way to avoid a visit from the soldiers, which they dreaded, was to get rid of the whites without a resort to arms. The Dubuque party loaded their portable goods into skiffs, and returned by the Big Sioux and Missouri rivers to Sioux City. The St. Paul parties returned home. The Dubuque representatives reported the hostile attitude of the Indians to the officers of the Western Town Company, who urged them to make another effort, prepared to defend themselves at the point of a gun, and also to construct fortifications that could afford protection in case the situation demanded it. It was the opinion of the leaders that the Indians would back down if they found that the whites were prepared to defend themselves.

Accordingly, supplied with abundant provisions and weapons of defense, on the 23d day of August, 1857, Jesse T. Jarrett, superintendent of the company, John McClellan, Dr. J. L. Phillips, W. W. Brookings, D. M. Mills, S. B. Atwood, A. L. Kilgore, Smith Kinsey, Mr. Godfrey, and James Callahan, all in the employ of the Western Town Company, reached the Falls from Sioux City, where they encamped, and began to make improvements upon the townsite which the company had taken. They had with them a sawmill, and the necessary mechanics' tools for constructing buildings, with a span of horses and a number of oxen. A little later Dr. Staples, president of the company, arrived, and soon after he deposed Mr. Jarrett from the superintendency, and appointed the young attorney, Mr. Brookings, to the position. Brookings was then twenty-four years of age, and had displayed the qualities of enterprise, energy and courage that recommended him for the leadership. The first work performed was the construction of a building and the installment of the sawmill; then followed a good stone building and also a frame store building. Indians annoyed them by running off their stock. Three dwelling houses were constructed. Early in the fall James M. Allen, William Little, James W. Evans, James L. Fiske, James McBride, James McCall and C. Merrill, superintendent, representing the St. Paul company, arrived, and these parties, with the Dubuque representatives, remained during the winter, during which season they erected a blockhouse near the island

The Legislature of Minnesota Territory created the County of Big Sioux in 1857, covering the same boundaries afterwards defined by a Dakota legislature as Minnehaha County, and also Midway County, adjoining on the north, with Medary, county seat, and in the year 1857 Governor Ramsey of Minnesota Territory appointed the following named officers for the new County of Big Sioux: County commissioners, William Little, James McBride, A. L. Kilgore; register of deeds, James M. Allen; sheriff, James Evans; judge of probate, James L. Fiske; district attorney, W. W. Brookings; justices of the peace, Dr. J. L. Phillips, James McCall.

The Legislature of Dakota Territory at its first session in 1862 passed an act legalizing the official acts of Allen and McCall that had been performed after the State of Minnesota was admitted into the Union in 1858.

Early in the summer of 1858 a band of Yanktonnais or Sisseton Indians, numbering about 100, appeared at Medary and demanded the immediate evacuation of the place. It is claimed that there were fourteen in the Medary party who remained there during the winter of 1857-58 and who built a few cabins and a blockhouse and began to prepare for farming in the spring of 1858. The Yanktonnais tribe, or a portion of it, had refused to recognize the treaty of cession made with the Sissetons and others, claiming that the Sioux Valley belonged to the whole Sioux Nation, and no tribe had any authority to cede it without the consent of all the tribes. These Indians had destroyed all the settlers' improvements in that portion of the valley, and informed the Medary people that they intended to burn their village, but would give them time to pack up their necessary raiment, and provision sufficient to last them until they could reach the white settlements in Minnesota. Major Franklin J. Dewitt, afterwards and for many years a prominent citizen of Yankton, was at Medary at this time, and was in favor of resisting the demands of the marauders; but the majority of the inhabitants, numbering a dozen in all, having made no preparation for suitable defense or protection, and taken wholly by surprise, felt compelled to submit. The Indians made no attempt to molest their persons, but burned the improvements that had been made, and then sent word to the settlers at Sioux Falls, by a half-breed Indian, demanding the immediate evacuation of the country; that they were on their way to the Falls and any white people found there would be driven off.

There were between thirty and forty settlers at Sioux Falls at this time, and after a council of war in which all participated, including the lone woman, Mrs. Goodwin, they resolved to remain and fight it out. They immediately set to work and constructed a substantial fortification of logs and sod enclosing the Dakota Land Company's buildings, named it Fort Sod, and prepared for a siege; but the Indians did not appear, having doubtless heard of the preparations made to receive them, and abandoned their hostile expedition at Flandreau. The incident, however, served to increase the uneasiness and anxiety prevalent among a portion of the people, and when the threatened war clouds drifted past, and the danger was over for the time, the Sioux Falls settlement lost nearly one-half its population.

In 1858, the Sioux Falls colony was increased by the arrival of John Goodwin and his wife, Charles S. White and wife and daughter Ella; also Amos Dooley (or Duley) and wife, all from Minnesota. Mrs. Goodwin may be claimed as the first white woman to settle in Dakota. Later the same year William Stevens, with a number of others, came in. The Mr. Dooley and wife above named returned to Lake Shetek, Minnesota, the following year, and were all taken prisoners by the Indians during the Little Crow massacre of 1862. Dooley was probably tomahawked and killed. His wife and one daughter were driven with other captives across to the Missouri above Fort Pierre and ransomed in December by Major Charles E. Galpin, brought to Yankton and sent back to Minnesota and Iowa.

In the fall of 1858 the settlement was augmented by the arrival of Samuel Masters, of New York; J. B. Greenway and wife, of Kentucky; George P. Wal-



FIRST AND SECOND CHIEFS OF THE
MANDANS



CHEYENNE WARRIORS IN COUNCIL
COSTUME



CHEYENNE WARRIOR IN FULL WAR
COSTUME



SIUX SQUAWS CAPTURED FROM
SITTING BULL, 1877

dron and wife, two daughters and a son, from New England; and Margaret Callahan, Mr. Waldron being a member of the Western Townsite Company. J. B. Barnes and Miss Callahan were soon afterward married, which was the first wedding in Dakota. J. W. Amidon and family, Henry Masters and son Samuel, John Lawrence, George Frosphonridge, J. B. Barnes, A. G. Fuller, John Rouse and B. C. Fowler and wife reached there the same year. Fuller was a member of the Dakota Land Co. In 1859 these were joined by Amos F. Shaw, S. J. Albright with a newspaper plant, James W. Lynch, Jefferson P. Kidder and Samuel F. and N. R. Brown.

The leading spirits in this Sioux Falls settlement were resourceful men of good ability and tireless energy, and the St. Paul parties represented some of the leading capitalists of New England. They were also backed by a number of the leading politicians of that day. The representatives of each company had come to Sioux Falls for the purpose of acquiring the water power and land adjoining in the interest of their companies, and to labor for the organization of the territory with the view of making Sioux Falls the capital. The political situation in the United States at that time apparently favored their plans and they went to work as men always do when they feel that their success is well assured.

They began in 1858 to make substantial improvements. W. W. Brookings had been appointed general manager of the interests of the Western Land Company and built a sawmill, a cornmeal grist mill and a stone dwelling. The Dakota Land Company built a large stone store building and a second stone building which was used for a printing office. The next important step taken by the Sioux Falls pioneers was a political movement. The settlers proceeded to organize what is called a provisional government for the purpose of promoting the early organization of the territory and securing its capital at Sioux Falls City. An election was held in October, 1858, and prior thereto certain notices were issued and posted, as is the usual custom. The first notice for the election in 1858 read as follows:

ELECTION NOTICE

At a Mass Convention of the People of Dakota Territory, held at the Town of Sioux Falls, in the County of Big Sioux, September 18th, 1858, all portions of the Territory being represented, it was Resolved and Ordered that an Election should be held for Members to compose a Territorial Legislature. In pursuance of said Resolution, notice is hereby given that on Monday, the 4th day of October, next, at the house of (John Smith) * in the town of (Sioux Falls,) in the County of Big Sioux, an Election will be held for (two) Members of the Council; and (five) Members of the House of Representatives, for said Legislature. The polls will be opened at 9 o'clock in the morning and close at 4 o'clock in the afternoon of said day.

The above notice would indicate that the plan at this time was to elect a Legislative Assembly only, the Legislature so elected to meet, elect a governor, and take steps to set the provisional government in motion. An election was duly held at Sioux Falls, but it is doubtful whether there was another poll opened in the territory, certainly none west of the Big Sioux. Encouraged by the precedent established at the time Wisconsin was admitted as a state, and its western connection left without a government, the Sioux Falls parties had some foundation for expecting the favorable recognition of Congress, and there was enough at stake to induce the Sioux Falls leaders to expend every effort that was made in behalf of their enterprise.

Nearly a year later, or in 1859, the prospect for recognition having possibly brightened, and possibly urged by the necessities of their situation, it was resolved to hold a special election and a notice, of which the following is a copy, was published:

TERRITORIAL CONVENTION

A convention of the Citizen of Dakota Territory will be held at the town of [blank], Sioux Falls City, on Saturday the 3d day of September next, for the purpose of nominat[blank]

* The words enclosed in parentheses indicate a blank, to be filled in as circumstances may require.

a Candidate for Delegate to represent the said Territory in the Congress of the United States during the ensuing two years.

Sioux Falls City, August 10th, 1859.

This was a territorial convention, and in accordance with the action thereof, Jefferson P. Kidder, who had come into the colony from St. Paul in 1859, was duly nominated for delegate to Congress.

The next was an election notice, and the plans appear to have undergone some modification since 1858, for now provision is made for the election of territorial, legislative and county officers. This formal notice was issued:

ELECTION NOTICE

Notice is hereby given that on Monday, the 12th day of September, 1859, at the several Election Precincts in the County of Big Sioux, an Election will be held for the following named officers, to-wit: A Governor; Secretary of the Territory; A Delegate to Congress; four Members of the House of Representatives; two Members of the Territorial Council; Judge of Probate, a District Attorney, three county Commissioners, a Sheriff, a Register of Deeds, a County Treasurer, a Coroner, two Justices of the Peace, two County Assessors, and two Constables. Election to be held in the First Precinct at the Dakota House; Second Precinct at the house of Henry Mathers; Third Precinct at the House of Charles Philbrick.

J. M. ALLEN,

Dated this 6th day of August, A. D. 1859.

Clerk Board County Commissioners.

The clerk omitted in this notice to state at what hour the polls would be opened and closed, which, however, was not a matter of serious importance under the circumstances.

Alpheus G. Fuller had been appointed a delegate to Congress from Dakota Territory by the officers of Midway County, at Medary, immediately after the admission of Minnesota into the Union in May, 1858, and had gone to Washington for the purpose of taking his seat. At Washington he was confronted by a formidable obstacle in the person of Delegate W. W. Kingsbury, who had been elected delegate from Minnesota Territory prior to the state's admission, and who was permitted to hold the seat for the term for which he was elected as delegate from the portion of the former Minnesota Territory not included within the boundaries of the new state; and who might therefore be held to have been the first delegate from Dakota. His term would not expire until the following March. Mr. Fuller, however, remained in Washington, and labored in behalf of the organization of the new territory.

The election at Sioux Falls was duly held on the 12th of September. The principal contest was between Jefferson P. Kidder and Alpheus G. Fuller. The election was not participated in by the settlers west of the Big Sioux River, and there is no evidence that these people knew there was an election; but the inhabitants of the Sioux Valley at Sioux Falls and north all participated and a full vote, practically, was secured, as will be seen from the following abstract issued after election by the provisional secretary of state:

Office of Secretary of Dakota Territory.

Abstract of Votes cast at the General Election held September 12th, 1859, for the Election of Delegate to Congress as per Return from the various Counties now on file in this office:

Big Sioux County, 1st Precinct,	J. P. Kidder,	287 votes
	A. G. Fuller,	28 votes
2d Precinct,	Kidder,	108 votes
	Fuller,	5 votes
Vermillion County,	Kidder,	52 votes
	Fuller,	none.
Midway County,	Kidder,	973 votes
	Fuller,	114 votes
Rock County,	Kidder,	60 votes
	Fuller,	none.
DeMott County,	Kidder,	110 votes
	Fuller,	none.
Total	Kidder,	1689 votes
	Fuller,	147 votes

It was claimed that Mr. Fuller was aggrieved at the action of the Sioux Falls convention in setting him aside and nominating Judge Kidder, deeming it a reflection upon his official course; and he came out as an independent candidate. The vote shows that Mr. Fuller was in the field; but the subsequent proceedings of the Sioux Falls colony were not disturbed by any manifestations of inharmony among the leaders.

Candidate Kidder seems to have enjoyed great popularity, and Midway County must have astonished even its most sanguine friends in getting all its voters to the polls. Medary, the county seat of Midway, was not a populous town, but it was surrounded by a region capable of sustaining a large population.

From one of the parties who participated in these exciting events it was learned that the Minnesota party, or at least a portion of it, made an earnest effort to promote the Town of Medary. The settlers there had a county organization, given them by the Legislature of the Territory of Minnesota, called Midway County, and Medary was the county seat.

Mr. Kidder received the certificate of election, repaired to Washington and made a very earnest effort to secure admission to the House as a delegate from Dakota. To sustain his claim, provided he had been properly elected and accredited, there were abundant precedents, but these precedents were all supported by a numerous body of people who were actual residents and citizens; while in this particular Dakota case it is questionable whether there were over fifty white people in the entire region described in the table of returns. Gen. William Tripp, at that time a member of the Western Town Company and a resident of Sioux City, visited Sioux Falls a few weeks after this election was held, and found about thirty people there, while the country north of the Falls was understood to be practically uninhabited. At this time the Yankton Treaty had been ratified, and the Indian title extinguished to all the land west of the Big Sioux, and north of the Missouri as far west as Medicine Knoll Creek, and settlements had been made at Big Sioux Point, Elk Point, Vermillion, James River, Yankton, Bon Homme, and opposite Fort Randall. These settlers do not appear to have participated in this election, and it was claimed that they were not consulted or even apprised of what their neighbors on the Upper Sioux were engaged in. Congress was aware of this situation and it doubtless had an influence in determining that body to refuse recognition to its accredited representative.

The Dakota Land Company located a number of towns in Dakota in 1858-59. The Dakota Democrat, the official organ of the company at Sioux Falls, printed a list of these locations as an advertisement. First was:

Renshaw, at the mouth of the Upper Coteau Percee, connecting with the Sioux at the Big Walnut Timber, twenty miles north of Medary and near Lake Preston. This location embraces 320 acres, well improved.

Medary, the county seat of Midway County, the first organized county in Dakota, situated on the Big Sioux at the crossing of the government road and twenty-five miles due west of Mountain Pass. Two hundred and twenty acres are script here.

Flandrau is the county seat of Rock County, at the junction of Coteau Percee with the Sioux, fifteen miles south of Medary. Six hundred and forty acres.

Sioux Falls City, established seat of government of Big Sioux County and the recognized capital of the territory, at the Falls of the Big Sioux, the head of navigation on that river, terminus of the Transit Railroad west, sixty miles south of Mountain Pass and 100 miles up from the Missouri. Three hundred and twenty acres.

Eminija is the county seat of Vermillion County, at the mouth of the Split Rock River and Pipestone Creek, on the Big Sioux, thirteen miles below the falls and at the most practicable head of navigation for large steamers. Six hundred and forty acres.

Commerce City is situated at the Great Bend of the Sioux on the Dakota side, half way between Sioux Falls City and the Missouri, a natural site for a town. Coal and timber plenty. At a point to which steamers of any class may ply in any stage of water. Three hundred and twenty acres.

In addition to the foregoing, the statement or report contains the operations of a party that had been sent over into the Missouri country to locate townsites. According to the report:

The expedition in charge of Messrs. Brawley and Smith, which left this city in June, have ere this time planted the flag of the Dakota Land Company on each valuable site that can be found between the mouth of the Big Sioux and old Fort Lookout on the Missouri, and on the James, Vermillion and Wanari (Choteau Creek) rivers. They have sounded to the points to which steamers may practically run, and there have also commenced the nuclei of towns. Their movements will be seconded by the more timid and adventurous, and the way being paved, a lively emigration will follow up. This party went down the river from Sioux Falls City by boat in the latter part of June on their way to the Upper Missouri. There are more than two thousand miles of navigable waters within the ceded portion of Dakota, and this company will have already secured the most desirable centers for trade and commerce, and governmental organization on all these rivers.

Any explanation of this unwonted activity in the location of townsites lies in the then prevailing speculative fever in western towns and lands. The new western states and territories had been the theater of exciting and profitable ventures in real estate, the market for the property being found in the eastern states. The Dakota Land Company located its selections with half breed scrip. This speculative interest had grown up during the early settlement of Kansas and its border war between the free state and pro-slavery parties. The people of all the states were warmly interested in this struggle, and this caused a large western emigration out of which real estate, whether farming lands or townsites, was in great demand.

The members of the Sioux Falls Legislature elected in September met at Sioux Falls in October and elected Samuel Masters governor, and passed a memorial to Congress praying for the organization of the territory. The proceedings of the Sioux Falls government were quite extensively published and must have led many people to believe that Dakota was duly organized and may have induced the immigration to the Missouri Valley during that year which came in only to be driven off by the military later.

Mr. S. J. Allbright of St. Paul established a weekly newspaper at the Falls in 1858 which he called the Dakota Democrat. It was the first newspaper published in what afterwards became Dakota Territory. As Mr. Allbright declares, his purpose in starting a paper at that time was in order to be on the ground when the territory was organized and Sioux Falls made the capital, in order to get the public printing, which he estimated would be worth several thousand dollars a year.

The Sioux Falls Legislature met again during the fall of 1859 and Governor Masters having died, Wilmot W. Brookings was chosen governor. The treaty with the Yanktons had been ratified and settlers were coming in to the Missouri slope country and taking up land. Already the population of the Missouri Valley was far ahead of the Big Sioux. It was apparent that if Sioux Falls was to succeed in her ambition, "delays were dangerous" and much depended upon the territory being organized at the earliest day possible, because of strong indications that there would be a change in the political complexion of the administration and in Congress at the election the following year, 1860, which in all probability would retire from influential positions a number of the prominent friends of Sioux Falls.

Strenuous efforts were made by those interested during the fall and winter of '59 but no results were obtained, and grave misgivings took the place of hope among the stout-hearted pioneers on the Sioux. It may be that the influence of the Yankton and Sioux City "rings" had been used to its detriment, for shortly after this failure the contest seems to have been dropped; the townsiters in great part returned to their former abiding places and the newspapers ceased to be published for a time. There were a number of the early settlers, however, who refused to acknowledge defeat, including W. W. Brookings, Dr. J. L. Phillips, Amos F. Shaw, John McClellan, George P. Waldron, Henry Masters, and

J. B. Amidon and family, who held on to their property and remained until compelled to leave during the Indian raids of August and September, 1862, following the Little Crow massacre.

There were even in these earliest days, as shown by the newspapers, manifestations of rivalry between Sioux City and Sioux Falls, and it would seem that the leading interests of the Iowa town were not in sympathy with the ambition of the active pioneers at the Falls of the Sioux.

DAKOTA'S FIRST DELEGATE, W. W. KINGSBURY

When Minnesota was admitted into the Union as a state in 1858, with its present boundaries, there was left a large portion of the former Territory of Minnesota outside the state on the west, including all of the present Territory of Dakota east of the Missouri River, that was left in a chaotic political condition. Minnesota had, while yet a territory, in 1857 elected Hon. W. W. Kingsbury as her delegate in Congress for two years, or until March 4, 1859, and Mr. Kingsbury was holding the seat at the time the state was admitted in 1858. About this time (1858) Mr. Alpheus G. Fuller appeared in Washington claiming that he had been appointed delegate to Congress from the aforementioned outlying territory, which his credentials designated as the Territory of Dakota. As Mr. Kingsbury disputed the Fuller title, and claimed that he was the delegate from the Territory of Minnesota which still existed in the portion not included within the boundaries of the state, the matter was taken up by the House, and Mr. Cavanaugh, a member, on May 28, 1858, presented a resolution reading as follows: "Resolved, That the Committee on Elections be authorized to inquire into and report upon the right of W. W. Kingsbury to a seat upon this floor as delegate from that part of the Territory of Minnesota outside the state limits."

Mr. Harris, of Illinois, presented the credentials of Alpheus G. Fuller as delegate from the same territory.

As reported in Volume 46 of the Congressional Globe, the whole matter was referred to the Committee on Elections. On June 2d Mr. Harris, chairman of the committee, submitted the majority report, holding that Mr. Kingsbury was legally elected delegate, on October 13, 1857, and that the admission of a state formed out of a part of that territory did not annul the election. The case of H. H. Sibley was cited. Mr. Sibley was elected delegate from the Territory of Wisconsin after the State of Wisconsin was admitted. He was elected from that portion of the territory not included in the state, and was allowed to take his seat by a vote of 124 to 62. In concluding, the report recommended that Mr. Kingsbury be allowed to retain his seat, and that the memorials of Mr. Fuller be given no further consideration.

A minority report, signed by Messrs. Wilson, Clark and Gilmer, decided in favor of Mr. Fuller. This report stated that Mr. Kingsbury was elected by the voters of the territory now comprising the state, and that those living in that part of the territory not included in the state were not allowed to vote. (This was denied by the majority report.) It was also held by the minority that Mr. Kingsbury lived in the State of Minnesota, not in the part of the territory left outside the state.

Mr. Fuller, in the course of his petition for a seat, said that he came "without form of law, but on the inherent principle of self government and protection."

Mr. Harris contended that it was not necessary for the delegate to live in the territory which he represented.

Israel Washburne, of Maine, supported Mr. Harris, declaring that there was both a state and a territory of Minnesota.

Mr. Jones, of Tennessee, held that there was no Territory of Minnesota, and hence that no one was entitled to a seat as delegate.

After much discussion, the majority report was adopted as before stated, and Mr. Kingsbury held his seat until March 4, 1859. He was therefore the first

delegate to represent that portion of Dakota Territory east of the Missouri River that had formed a part of the Territory of Minnesota.

Sioux Falls had postal facilities as early as 1858 and received a mail twice a month from Henderson, Minnesota. Byron M. Smith was postmaster. About the 1st of March, 1859, a change for the better was made when the service was transferred from Henderson to Sioux City and thereafter the mail was delivered once a week by a man on horseback.

The effort to secure the organization of the Territory of Dakota in the interest of the Big Sioux Valley continued intermittently during the winter of 1859-60, but relaxed during the latter year, and the settlement made no progress during that or the following year of 1861.

In 1862, in August, the Little Crow Indian outbreak occurred in Minnesota, which was followed by a general Indian war. The hostile savages, being driven from Minnesota into Dakota, separated into small war parties and made a descent upon the Dakota settlements. Sioux Falls received the first fatal blow, losing two of its most valuable citizens, Judge J. B. Amidon and his son, who were killed while at work cutting hay.

These persons had gone out from their home in Sioux Falls in the morning intending to spend the day in the field. Night came and they did not return, which gave Mrs. Amidon much uneasiness and alarm, and she notified Lieutenant Bacon, who immediately instituted a search. The oxen were discovered fastened to the wagon, but neither Amidon nor his son could be found that night. At daybreak on the 20th the search was again undertaken and soon resulted in finding the bodies of both. The judge was found lying upon his face with a bullet wound in a vital place, and his son some distance away in a field of corn, to which he had probably fled upon being attacked. His body was perforated by ten or twelve arrows, which he had evidently pulled from his flesh and laid beside him before he died. The circumstances of the killing could only be conjectured. It was supposed that the Indians were concealed in the cornfield and by some device decoyed the son near their hiding place and then poured a volley of arrows into him; the father hearing the cries, started to his relief and was shot down with a bullet. The savages then made off without disturbing the oxen and wagon, their object having been attained apparently in the killing of the palefaces. The soldiers made an ineffectual effort to find the Indians, and their camp near town was fired into by a small band of mounted warriors, while the troops were out on this search. The Indians then made their way into the river bottom, which was covered with grass as high as a man's head, and with young timber, and were able to successfully elude the troops. At this time nothing was known at Sioux Falls of the Minnesota outbreak. This intelligence reached Yankton, however, and led Governor Jayne to dispatch two couriers to Lieutenant Bacon apprising him of the hostilities, and ordering him to evacuate the place and move the inhabitants to Yankton forthwith, it having occurred to the governor that the Indians who were driven out of Minnesota would strike for the Dakota settlement, which proved to be the case. This evacuation order was received on the 28th, and was put into execution the same day, the settlers reaching Yankton on the 30th, and bringing with them most of their personal effects. The Indians entered the Village of Sioux Falls very soon after the whites left and burned and destroyed all the improvements they were able to demolish and burn. The stone buildings defied their destructive efforts, though fires were kindled in all of them.

The Sioux Falls settlers who removed to Yankton at this time were W. W. Brookings, George P. Waldron and his family, Berne C. Fowler and wife (Mr. Fowler had been carrying the mail from Yankton to Sioux Falls during the summer), James W. Evans, Barclay Jarrett, Charles S. White and family, William Stevens and John McClellan.

Amos Shaw went to Vermillion and Dr. J. L. Phillips and Henry Masters and wife to Dubuque.

Lieut. James Bacon, of Company A, Dakota Cavalry, was in Sioux Falls at the time the Indians attacked and killed Judge Amidon and his son. He was in command of forty men of his company, and according to his own statement was encamped on the present site of the Cataract House. The Amidons were massacred in a cornfield adjoining the settlement on the north. Mr. Bacon relates the incident:

The shots which killed the men were plainly heard by myself as I was sitting at the lower fall in the river fishing, but thinking it some of my men hunting ducks in the slough, I paid no attention to it. About 10 o'clock that night, Mrs. Amidon came to my tent and reported the absence of her husband and son, expressing a fear that they had been killed by the Indians. At that time those here knew nothing of the Minnesota massacre. Search was made for the missing men that night, but owing to the intense darkness it was postponed until daylight when the bodies were found. The son, who was a hunchback, had a dozen arrows sticking in his hump. After removing the bodies to his camp, the lieutenant, with twenty-five men, took the trail of the raiders, who were a band of a dozen warriors from the Minnesota hostiles. The trail led around the north side of the penitentiary bluff, and upon reaching a point in view of the present site of the city, the Indians were discovered firing upon the boys in camp. We went to the relief of our comrades, and the Indians, who were afoot, struck west, crossing Covell's slough, and by that means escaped, as we were mounted and unable to follow. The Indians returned the same night and attempted to stampede our horses, but we were prepared for them and they abandoned the effort.

Next day I received orders from Yankton to evacuate Sioux Falls, and bring all the settlers to Yankton. The civilian population of the city on that date embraced only three families, namely, Mrs. Judge Amidon's remaining family, Capt. George P. Waldron and family, and a man named Foster and his family. Judge Brookings had left the place the day before the raid.

While the occupation of the country in the Sioux Valley by the whites, including Sioux Falls, and the initial settlements in the Missouri Valley at Yankton and opposite Fort Randall was contemporaneous, there appears to have been no concert of action between the communities, nor does it appear that either section was aware that there existed any other settlement in the proposed territory. Even as late as 1859, when the Sioux Falls parties were straining every energy to secure the organization of the territory, and even went so far as to hold an election and elect a congressman and territorial officers, the communities then existing on the Missouri at Elk Point, Vermillion, Yankton and Bon Homme appear to have been totally oblivious of these proceedings, while Sioux Falls, where a newspaper was occasionally published, was apparently in blissful ignorance of what was transpiring on the Missouri, and laboring under the impression that the Missouri country was an uninhabited wilderness, sent a party of men representing the Dakota Land Company to explore the Missouri Valley for the purpose of locating townsites. We infer from this adventure that the Sioux Falls people must have looked upon the Missouri Valley at that time as unoccupied.

It is probable, however, that the leaders of each section who were engaged in promoting the organization of the territory before Congress were informed of the ambition of a rival, and used "all honorable means" to checkmate him.

Sioux Falls and the Big Sioux Valley country north were made the Second Representative District by the proclamation of the governor calling the first election in 1861. At the election held in September of that year George P. Waldron received ten votes for member of the House of Representatives and James McCall one. Waldron was declared elected. W. W. Brookings, for councilman, received 9 votes; Cole, 5; and Wixson, 3, indicating that there were less than twenty votes in the representative district at that time.

In the Minnesota Historical Society Collections, 1895-98, will be found a sketch of the "First Organized Government of Dakota," written by Samuel J. Albright, then of New York, at the solicitation of Judge Charles F. Flandrau, of Minnesota, prefaced by an explanatory note by the judge, who says that the Sioux Falls settlement "presents the only actual attempt (except one earlier instance) to form a government on the principles of 'squatter sovereignty,' pure

and simple, that has ever occurred in this country." Judge Flandrau then proceeds with his preface:

When Wisconsin was admitted into the Union of States, in the year 1848, the St. Croix River was chosen as its western boundary, leaving out the part of the County of St. Croix which lies between the St. Croix River and the Mississippi. Within the large territory so abandoned were the towns of Stillwater, St. Paul, St. Anthony Falls, and several other settlements. The inhabitants of this region at once set about finding some government for themselves, and decided that the remnant of Wisconsin Territory so deserted was still the Territory of Wisconsin. Governor Dodge, who was the governor of the territory, had been elected United States senator of the new State of Wisconsin, which left Mr. John Catlin, secretary of the territory, ex-officio governor of what was left of it. Mr. Catlin lived at Madison, and was invited to come to Stillwater and proclaim the territory still existent. He did so, and called for the election of a delegate to Congress. Henry H. Sibley was elected and when he arrived at Washington was acknowledged and given a seat as delegate from the Territory of Wisconsin, after which the Territory of Minnesota was, on March 3, 1849, duly organized, with its domain extending from the St. Croix to the Missouri.

When Minnesota, on the 11th day of May, 1858, was admitted into the Union, its western boundary was fixed by the Red River of the North and a line extending south from the foot of Big Stone Lake to the north line of Iowa, thus leaving out all the land extending west of this line to the Missouri River, which now belongs to the two Dakotas. The situation was identical with that presented on the admission of Wisconsin. Anticipating this condition, a number of enterprising men, a year previous, had determined to improve the opportunity of organizing a new territory out of the remnant which would be left of Minnesota, and to avail themselves of the advantages of being proprietors of the capital city and several lesser ones that might become the seats of the university, penitentiary, and other public institutions of the new territory. They did not adopt the plan that was so successful in the case of Wisconsin, by calling upon the governor to order an election for a delegate, for the reason, undoubtedly, that until the year 1857 there were no inhabitants of the remnant, save those residing at Pembina at the extreme north, who could hardly claim to be of sufficient importance to ask that they be recognized as a separate government, but, instead, they boldly took possession of the country with the determination of creating an entirely new government with the aid of Congress.

It must be remembered that Mr. Buchanan was then President, and that Minnesota was strongly democratic in its politics; but the republican party, then in its infancy, had gained great strength in Congress, and entertained hopes of electing the next President, which it did in 1860. This condition of things militated against the organization of a new territory, the officers of which would be democratic, and prevented the realization of the hopes of the adventurers who first settled in Dakota.

When the Sioux Indian war broke out in 1862, the remaining settlements on the Big Sioux were abandoned, and all the improvements were destroyed by the Indians. Shortly after the termination of the Indian war, a military post was established on May 11, 1865, at Sioux Falls for the protection of the surrounding country. This post, which was called "Fort Dakota," consisted of one company of cavalry at one time, and of infantry at another time, and was maintained until June 18, 1869, when it was abandoned, nothing remaining but the quarters occupied by the troops, and two men, Mr. C. K. Howard and Ed Broughton, who had acted as sutlers for the post. They operated a small trading house and dealt with the Indians. Broughton lived in the stone house on the river bank, which was built by the settlers from Minnesota. A few settlers found their way into the valley while the troops were there—a Mr. Jephtha Douling and his family, and several others. They supplied milk and vegetables to the soldiers.

This state of things continued until about June, 1869, when R. F. Pettigrew located at the falls. He found lying upon the rocks the platen of the newspaper press that had been used in the issue of the "Dakota Democrat" and has preserved it until the present time. Mr. Pettigrew has been very prominent in the progress of Dakota. He represented it in Congress as territorial delegate, and is now serving a second term as United States senator from South Dakota. I am indebted to him for some of the facts in this narrative.

About the year 1871, a brother of Senator Pettigrew found his way into the valley of the Big Sioux and located on the old site of Flandrau, about thirty-five miles above Sioux Falls, which town the old company had named in my honor. There was then no vestige of the former settlement. But a few Sisseton Indians were living there, and a man named Lew Hulett, a trapper, had built a shack in which he carried on a small trade with the Indians.

The site of Medary, one of the old locations, still farther up the river, was lost, and a new town by the same name was started a few miles from the old one; but that has also disappeared and the present town of Brookings, on the railroad, about six miles away, has taken its place. Since the second settlement of the valley of the Big Sioux, which may be said to have commenced about the time of the arrival of Mr. Pettigrew in 1869, the growth and progress of the country has been marvelous, and the success of the principal

selections of sites for cities made by the original settlers—Sioux Falls, Flandrau and Brookings, the successor to Medary—proves conclusively the sagacity of these pioneers, as they are now all prominent localities in South Dakota.

CHAS. E. FLANDRAU.

The following letter, written by Charles E. Flandrau, of the Dakota Land Company, regarding the operations of that organization, will prove of interest:

St. Paul, Minn., September 3, 1879.

Edward Ely, Esq.,
Winona, Minn.

Dear Sir:

In response to your letter of August 15, 1879, asking me for information concerning the origin and early history of the Town of Flandrau, in Dakota Territory, I am glad to say that I am in possession of the facts you seek to know and that I give them to you with pleasure because there seems to be a good deal of misapprehension among the people of that place about its origin. Being somewhat of an "old settler," I take great interest in all that concerns the history of this portion of the Northwest, and like to see the facts correctly stated. It happened thus: In the early part of the year 1857 we all felt pretty sure that the State of Minnesota would be admitted into the Union upon what we then called the "north and south" line of division, which was the line finally adopted. There was a strong party in favor of a state upon the "east and west" line of division which would, if adopted, have cut the territory in two upon a line just north of Minneapolis, making the state out of the south portion and leaving the territory or remnant north of that line.

You will remember that when Wisconsin was admitted on the western boundary of the St. Croix River, it left all the country west of that river in an unorganized condition, and that the inhabitants held a convention and elected Gen. H. H. Sibley as a delegate to Congress as an experiment, and that he was admitted to a seat and the act of Congress of 1849 was soon after passed organizing the Territory of Minnesota. We anticipated just such a condition of things on the admission of Minnesota, and concluded we would occupy the territory west of the new state, send a delegate to Congress, secure the capital, university, penitentiary and other public buildings at our own towns and make a good speculation out of the enterprise. To enable us to accomplish this a corporation was organized, under an act of the Legislature of the Territory of Minnesota, passed May 23, 1857, which was entitled "an act to incorporate the Dakota Land Company." The original incorporators were W. H. Nobles, J. R. Brown, A. G. Fuller, S. A. Medary, Samuel F. Brown, James W. Lynch, N. R. Brown, F. J. Dewitt, and F. Freiderich. The corporation was vested with full powers for the purchase and entry of land, and the doing of anything that was necessary to establish towns and cities anywhere in the territory or future state.

Under this organization agents were sent into the Southwest and sites for several cities selected, among which were Sioux Falls City, Medary, and Flandrau, all on the Big Sioux. Sioux Falls was designated for the capital of the future territory, and the other places were to share the government prizes. Mr. A. G. Fuller was selected a delegate to Congress and went to Washington, but was never admitted to a seat, notwithstanding the precedent of General Sibley's admission in 1848 from Minnesota. Sioux scrip was laid upon lands, but at a subsequent date was withdrawn. Very considerable improvements were made by the company at all places, but especially at Sioux Falls City, where a capitol building was erected, a hotel built and a printing office established, with Sam Albright as editor, and a very handsome newspaper was published there called the *Dakota Democrat*, of which I now have a copy of the issue of August 5, 1859, being Vol. 1, No. 2 of the paper.

The efforts of Mr. Fuller in Washington and of other friends of the organization, failed to procure a territorial government for Dakota for several years, and my opinion has always been that the delay was on account of all of the members of the Dakota Land Company being democrats, and Congress, expecting a change of administration in 1860, desired to postpone the erection of a territorial government until the other party could control it. At any rate they did postpone it until March 1, 1861, when the act was passed organizing Dakota Territory and leaving the selection of the seat of government to the governor.

During this delay, however, a serious state of things existed. The people of the territory becoming impatient at the delay, organized a state government, elected first Henry Masters, then Sam Albright, governor, chose a Legislature which assembled at Sioux Falls and passed laws, which were duly printed and approved by Governor Albright, and demanded admission to the Union, "on an equal footing with the original states," but Congress was inexorable, and all the time and money spent by the company in this direction was lost.

When the Sioux outbreak occurred, in August, 1862, all the improvements at Sioux Falls, Flandrau and Medary were burned by the Indians and the places were virtually abandoned by the company. The United States Government made reparation to the company for its losses, which enabled it to make its first and only dividend on its capital stock. This is briefly the history of the Town of Flandrau up to the time when its present title was made by new comers and about which I know very little. Sioux Falls City, as its name indicates, was called after the falls in the Big Sioux, at which place it is located. Medary was named after Gov. Samuel Medary, who was then governor of the Territory of Minnesota, and the Dakota Land Company did me the honor to name the Town of Flandrau after me.

The facts given you are largely from recollection, but they are substantially correct in all essential particulars. I would suggest, however, that Mr. Alphens G. Fuller, who now resides at or near Yankton, Mr. L. J. Dewitt, who I believe also resides at Yankton or somewhere on the Missouri in the territory; Captain Fish, who is now in Pembina; Daniel F. Browley, who I believe resides in Winnipeg, all were intimately connected with the operations of the Dakota Land Company, and can undoubtedly give you accurate information as to the history of the Town of Flandrau, and being old settlers, will willingly recount the experiences of the past.

Respectfully yours,

CHAS. E. FLANDRAU.

Judge Flandrau, of Minnesota, having given out a statement regarding the earliest settlement of Sioux Falls, in which errors were alleged by one of the pioneers who made up the very earliest company of settlers, Judge Wilmot W. Brookings, who participated in that settlement, took occasion to correct the erroneous statements of Judge Flandrau. It can be stated as a historical fact that Judge Brookings was better qualified to give a correct statement of that pioneer settlement, because he was on the ground and prominently identified with the work that was accomplished, overseeing much of it himself and participating in all of it, while Judge Flandrau was but a stockholder in the Dakota Land Company, the St. Paul incorporation, and was never at Sioux Falls or in the Sioux Valley during the years included in the history of this first occupation. Inasmuch as the statement of Judge Brookings corroborates, in every particular, the version of this important event, already a part of this history, it is given entire, as follows. Mr. Brookings addressed his communication to the Sioux Falls Press:

The letter of Judge Flandrau, taken from the Winona Republican, and published in your issue of the 15th of December, 1888, inclines one who knows the actual facts to the belief that much of what is called history is probably fiction. Perhaps the best way to point out the many errors of the judge would be to give the facts as known by one who was living at Sioux Falls at the time, and was part of the history that is endeavored to be related.

What the judge says about the organization of the Dakota Land Company is undoubtedly true, and certain members of the company came to Dakota as he related, in the spring of 1857, and for the purpose probably as he states. Their first townsite on the Sioux was Medary, named after the governor of Minnesota Territory. Their second, Flandrau, named after the judge himself, but when they arrived at Sioux Falls they found the site of the falls occupied by a party sent out by the Western Town Company of Dubuque, Iowa. Among the members of the latter company were the then Mayor Hetherington of the City of Dubuque, Iowa; Hon. S. P. Adams, since chief justice of Iowa; Dr. George M. Staples, Gen. William Tripp, Hon. George P. Waldron, and Colonel Mahoney, afterwards editor of the Dubuque Herald. This company had been organized for about the same purpose as the Dakota Land Company. It had, as early as the month of October or November, 1856, employed Ezra Millard, late president of the Millard National Bank of Omaha, to proceed to this section of Minnesota Territory and to take up a townsite of 320 acres at the falls of the Big Sioux. Mr. Millard, accompanied by D. M. Mills, who now lives on the Sioux River about sixteen miles above Sioux City, visited Sioux Falls late in the autumn of 1856, arriving late one rainy evening, but still rejoiced that they had found the coveted spot. They came up on the east side of the river, through what is now the Village of Brandon, following the course of the river so that the first full view of the falls was from the high bluffs near the present brewery. Their mode of conveyance was a light two-horse wagon. After viewing the picturesque beauty of the falls for a moment they concluded to drive down the bluffs and camp for the night near the lovely islands at the head of the falls. But to their astonishment they had no sooner reached their beautiful resting spot than a party of Sioux Indians appeared on the scene, took their horses by the bits, turned them around, and in the Indian language indicated so strongly that safety depended upon their immediately retracing their steps back to Iowa, that Messrs. Millard and Mills, without any ceremony, concluded to let the Sioux roam over the valley of the Sioux for a while longer unmolested by the pale face, and traveled back twelve miles that same evening. Some two months later Mr. Mills returned and built a small log cabin on the island, and then returned to his home on the lower Sioux for the balance of the winter.

In May following (1857), Jesse T. Jarrett, John McClellan, and Messrs. Farwell and Olsen arrived in Sioux Falls in the interest of the Western Town Company, and were here when the members of the Dakota Land Company arrived. The prospect was so inviting that the latter company concluded to take up 320 acres immediately south, and upon the river near the falls, secured by the Western Town Company. These parties from both companies were driven off early in July following by the Indians.

On the 25th day of August, 1857, a party of nine persons came to Sioux Falls in the interest of the Dubuque party, among whom were Dr. J. L. Phillips and W. W. Brookings,

who afterward became permanent settlers. A month later the St. Paul party sent out seven men and during the winter of 1857-58, eighteen persons wintered at the falls. In the spring following enough came in to make the number sixty or seventy. Two women came in the summer of 1858—Mrs. Goodwin and Mrs. White, the latter having a daughter some three years old, the first white child ever in Sioux Falls.

In the latter part of October, 1858, an election was held for members of the Legislature and delegate in Congress, and A. G. Fuller was elected to Congress, although at that time his home must have been at St. Paul. The Legislature, a few days after the election, assembled here. Henry Masters was elected president of the council, and S. J. Albright, speaker of the House, and passed a memorial to Congress, praying that this portion of the Territory of Minnesota, not included in the State of Minnesota, might at once be organized into the Territory of Dakota. Also passed a law extending the laws of Minnesota Territory over the proposed Territory of Dakota (although they must have been in force without any such act), and also passed a few other acts and memorials. Thus far there had been no governor, and by a joint resolution the president of the council was declared the ex-officio governor. So Mr. Masters became governor, and the first session of the squatter Legislature for Dakota adjourned.

In the following autumn, 1859, a new election took place, and Hon. J. P. Kidder was elected delegate, although he lived in St. Paul, and Henry Master was nominated for governor, but died a few days before election, and S. J. Albright was elected governor. He was in St. Paul at the time and refused to serve, and had himself returned as a member of the lower house, which was easily done, although he may not have received any votes for the Legislature. He seemed to have a strong desire to be speaker of the lower house, which was the height of his ambition. The Legislature met about the same time in 1859 as in the year preceding. W. W. Brookings was elected president of the council and Albright speaker of the House. The only business done was again to memorialize the new Congress to organize the Territory of Dakota, and also pass a few more unimportant memorials. At the close of the session the president of the council was again declared governor ex-officio, and W. W. Brookings acted as governor instead of Albright, and the only acts that the writer remembers of the second governor signing was a certificate of election as delegate to Congress for J. P. Kidder, and several memorials to Congress, and after the Legislature of 1859 adjourned, no more were held.

When Judge Flandrau says laws were passed, which were duly printed and approved by Governor Albright, and demanded admission to the Union "on an equal footing with the original states," he draws wholly upon his imagination, for no such demand was ever made or desired, but the entire effort was to secure a territorial organization. The reason why a territorial organization could not be secured was that the House was republican and wanted a clause inserted in the organic act or law prohibiting the taking of slaves into the territory. This the democrats opposed and the Senate was democratic. So that no bill passed until the southern members left Congress, which left a majority of republicans in the Senate. However, after the southern members seceded, the organic act was silent on the slavery question.

Where the Dakota Land Company made the mistake was when Minnesota was admitted to statehood they did not induce the territorial officers to move to that portion of the territory not included in the state boundary and continue the government of Minnesota Territory. Had they done this they would undoubtedly have been recognized by Congress, for Buchanan, who was Polk's secretary of state, favored the recognition of Wisconsin Territory after the State of Wisconsin had been admitted to the Union as a state, and this was the ground taken by many republicans. The writer at the time received a letter from Hon. Israel Washburn, then a prominent republican member of Congress, saying it was the President's duty to appoint all the usual territorial officers of the Territory of Minnesota, as the state enabling act did not interfere with the territorial organization outside of the state limits.

The vote of the House of Representatives to admit J. P. Kidder was about equally divided, he being defeated by only a few votes, and this was brought about by the persistent opposition of Gen. J. B. S. Todd of the Missouri slope, and General Frost of St. Louis, who had large interests at Yankton, and were fearful that if Kidder should be admitted as delegate, the capital would go to the Sioux Valley instead of the Missouri. So that then, as at present, jealousies kept back our recognition.

When Judge Flandrau says a capitol building was erected, he again draws on his imagination or received his information from someone who misinformed him, as no such building was ever erected. The Dakota Land Company constructed a log house here, one story, about sixteen by twenty; a stone house about eighteen by twenty, one and one-half stories in height, set in mud or mortar. Also a printing office building of stone about twenty feet square, one story, with shed roof, all their buildings not exceeding the value of \$1,500. It would be interesting to know how much they received from the Government for their improvements, a better sale probably than could have been made to any one else.

Originally, it was evidently the intention to make Medary the capital, consequently it was then named for the then governor of Minnesota Territory, but in 1858, both the Medary and Flandrau settlements had ceased to exist, consequently the squatter Legislature was compelled to meet at Sioux Falls City, as they called their site here. Our impression is that

but one issue of the Dakota Democrat came out in 1858, and that was filled with argument in favor of a territorial organization. The next season a number of issues were printed.

In 1860 the paper was printed by Mr. Stuart, now of the Chicago Times staff, and the name changed to Western Independent for the reason that Mr. Albright had taken the heading away with him, and the changed heading was found in Sioux City. The errors of the republican editorial correspondent of the 15th inst. are the result of Judge Flandrau's retutation and one disposes of the other.

Like Judge Flandrau, "I take great interest in all that concerns the history of this portion of the Northwest, and like to see the facts correctly stated," and having been a resident of Sioux Falls from 1857 to 1862, ought to have a better knowledge of them than the judge. This is my only excuse for sending you this communication, although I was once solicited to write up the history of that attempt at government for the Minneapolis Tribune. The main facts are given here, and all that seems worth preserving.

W. W. BROOKINGS.

Mr. Alpheus G. Fuller remained in the territory and removed to Yankton agency in 1860, where he kept the hotel and boarding house and also engaged in Government contracting at Fort Randall; J. P. Kidder returned to St. Paul and to the practice of his profession and in 1865 was appointed associate justice of Dakota Territory; and F. J. Dewitt and B. M. Smith also went to St. Paul, both coming to Yankton later.

Regarding the publication of the newspaper at Sioux Falls and the date of certain settlements, a letter is hereto appended which tells the whole story. The writer of the letter was on the ground at the time, and among the most active of the colonists:

Yankton, D. T., November 1, 1882.

George W. Kingsbury, Esq.

Dear Sir: In reply to your inquiry of this date, I will say that the first settlements, at Sioux Falls, Flandrau and Medary, were made during the months of May and June, 1857. The Dakota Democrat was first published at Sioux Falls City (now Sioux Falls), July 2, 1859. It was issued once or twice a month from that time until March, 1860, by Samuel J. Albright, editor and proprietor. Editor Albright went East in March, 1860, hence the publication was suspended until December, when it was revived under the name of the Western Independent and published semi-occasionally until March, 1861, by I. W. Stewart.

F. J. DEWITT.

The writer, Major Dewitt, referring to the first settlement of Sioux Falls, must allude to the first settlement by the Dakota Land Company, the Western Land Company of Dubuque, having erected a cabin there in December, 1856, and its representatives were there in 1857, when the representatives of the Dakota Land Company arrived.

As there has been some controversy regarding the time when the first settlement of Sioux Falls was made, the following excerpt from a letter written by Hon. David M. Mills, in January, 1868, who was at that time a member of the Territorial Council from Union County, is the best authority on that point. Mr. Mills, who was writing of the natural resources of the Big Sioux Valley and of Sioux Falls, says:

One very prominent feature in the Big Sioux River is its innumerable mill privileges. It would be speaking within the bounds of truth to say that there might be one mill put in operation on every mile of the river from Sioux Falls to the mouth of the Rock River, a distance by the river of over one hundred miles, and in many places. I doubt not, more than one. Before closing, I desire here to notice in a brief manner the famous waterfall on the Sioux River, nine miles west of the point where the Iowa state line touches the Sioux River. In the month of October, 1859, the first settlement was made at this place by myself. I continued to reside at the place, a portion of the time, for about one year.

D. M. MILLS.

AN INDIAN LIGHT AT SIOUX FALLS

About the 1st of November, 1862, Captain Miner, with a detachment of eleven men from Company A, escorted a part of the Sioux Falls people who had been compelled to evacuate that town in August, from Yankton to Sioux Falls, for the



FRANKLIN J. DEWITT



BYRON M. SMITH

purpose of securing some household goods and other property belonging to them which they were unable to carry away at the time of their hurried departure and which they endeavored to secrete in the most secure buildings of the town. The civilians of the party were George P. Waldron, B. C. Fowler, J. W. Evans, Barclay Jarrett, W. W. Brookings and A. G. Fuller. The party reached Sioux Falls the evening of the second day and camped out on the outskirts of the village. The next morning they moved into Sioux Falls, and while breakfast was being prepared, Captain Miner discovered a number of men on horseback on a hill about a mile away, but he could not distinguish whether they were Indians or whites. Taking with him Corporal Joe Ellis to act as interpreter, he rode out toward them and very soon discovered that they were Indians, who then galloped down the hill and into a ravine, at the mouth of which was a small tract of level prairie covered with tall grass. Miner beckoned to the Indians, giving them to understand that he wanted to talk with them, whereupon four of the redskins rode up within pistol range. The captain then asked through Interpreter Ellis: "Where did you come from?" The answer was, "The Minnesota River." He then asked, "What are you doing here?" The answer was, "What is your business here?" accompanied by language and gestures that meant defiance and trouble. The captain then fired his pistol, which was the signal for his men left in camp to join him. Meantime the Indians returned to the tall grass at the mouth of the ravine, and as the troops came up on a gallop they were received with a volley of rifle balls poured at them by ten or twelve Indians secreted near the entrance to the ravine. The order to charge was then given, when the hostiles scattered, firing and galloping off. Miner pursued them about two miles, but their ponies were swifter on the prairie than cavalry horses, and they escaped. One giant of an Indian, however, laboring under great excitement and anger, leaped from his pony during the pursuit and signaled to the others to do the same, but they gave no heed to his signal, and made off into a body of timber that skirted the river. Corporal Ellis was in the advance, and as he rode up the Indian discharged his gun at him, and then clubbing it, struck a vicious blow at Ellis in the saddle. The corporal parried the clubbed gun with his sabre, breaking the gun stock. Just then Privates Charles Wright and Josiah Gray rode up, and Wright sent a ball from his carbine into the enraged Indian that brought him to his knees but did not kill him. The Indian then drew his long knife and made a desperate lunge at Ellis, missing him but wounding the corporal's horse in the neck. Ellis then dispatched the plucky and desperate foe with his sabre. The remainder of the Indians were now in the timber, and the balls from their guns were flying about the troops, indicating that the Indians were getting the range and might become serious. Miner then concluded to retire and not risk a battle with a secreted foe, influenced by the responsibility he felt for the civilians whom he had escorted and who relied upon him for protection, and who would have become an easy prey for the redskins had the soldiers suffered a defeat. He therefore permitted the boys to take a lock of the dead Indian's hair, but would not suffer him to be scalped. Then firing the prairie grass, the soldiers galloped back to camp and breakfasted. The Indian who met his death had on a soldier's jacket, and two "civilized" bed quilts were rolled up and tied to his saddle. After breakfast the captain, with a portion of his men, visited the place where the Indians were first discovered at the ravine, found their camp and captured two light wagons, one harness and some camp utensils. Five newly slaughtered hogs were found, indicating that the Indians had also gone out to battle before breakfast. It was estimated that there were twenty Indians in the band, and that they composed a small war party that had cut themselves off from Little Crow and started on a pillaging expedition to the Dakota settlements. Little Crow had retired from Minnesota to Devil's Lake, North Dakota.

This was the first time the boys composing this detachment had been under fire of the enemy, and their deportment was warmly commended by their captain, who mentioned Corporal Ellis and Privates Charles Wright, Josiah Gray, John

Bradley, Robert Buckheart, R. Alderson, B. Bellow and J. Ludwig as deserving of especial praise. Privates Wright, Gray and Buckheart are citizens of Yankton at this time, 1904. John Bradley, now dead, was a brother of Henry Bradley, of Yankton.

This was the first conflict between the Dakota troops and the hostile redmen in which an Indian was known to be slain, though Sergeant English reported the supposed killing of one of the band which raided the settlements on James River early in September.

During the six years following, Sioux Falls remained unoccupied by the whites, save by a company of Iowa troops stationed there in a fort constructed by the general Government in 1865, named Fort Dakota, which was maintained until 1869, when the country was thrown open. Quite a number of settlers had made their way into the County of Minnehaha, outside the military reserve, during 1867-68, and had not been disturbed by Indians, and no further annoyance from this source was experienced.

CHAPTER XIV

FIRST WHITE SETTLEMENTS ON THE MISSOURI SLOPE IN DAKOTA

1857

HOME OF THE YANKTON INDIANS—STRIKE-THE-REE—WILLIAM PENN LYMAN—FIRST WHITE SETTLER—FROST, TODD & COMPANY, THE INDIAN TRADERS—FIRST JAMES RIVER SETTLEMENT—UPPER MISSOURI LAND COMPANY—DELEGATION TO WASHINGTON TO MAKE TREATY—HOLMAN, TRESPASSING SETTLER, BUILDS FIRST CABIN—IMPROVEMENTS DESTROYED BY INDIANS AND SOLDIERS—GEORGE D. FISKE—THE TREATY EMBASSY SUCCESSFUL—THE PICOTIE TRACT—FROST, TODD & COMPANY, TOWNSITE PROPRIETORS—TRADING POST BUILT BY FROST, TODD & COMPANY—THE BONHOMME SETTLEMENT—THE FIRST TRADING POST—MAJOR DOLLARD'S RESEARCHES—JOHN H. SHOBER—PERSONAL RECOLLECTIONS OF GEORGE T. ROUNDS—THE EARLY SETTLERS—FIRST SCHOOLHOUSE.

In the year A. D. 1857 what is now known as the City of Yankton, in South Dakota, was an Indian village occupied by the Yankton tribe of Dahkotah Indians, and was the residence of its principal and most influential chief, Pe-la-ne-a-pa-pe, which, translated into the English, reads "Man that was struck by the Ree." Being the home of the head chief and the seat of the tribe's most important councils, this was the principal village, or capital, of the Yankton tribe. It was known among the whites at and before this time as "Struck by the Ree Camp," and this locality had been designated by traders and steamboatmen as the Yankton Valley. The great majority of the Indians, when not absent on the hunt or engaged in trapping, dwelt along the banks of the Big Sioux, Vermillion and James rivers, where their lodges were sheltered by the heavy timber, with fuel and water abundant and convenient. An Indian burial ground occupied a tract about midway between Yankton and the James, as the road is now located, situated in the vicinity of what Yankton people know as the Risling farm. The Yankton Indians claimed complete ownership of the soil in Southern Dakota west of the Big Sioux River, which claim was disputed by other tribes of the Dahkotahs, and was not finally conceded, if at all, until some time after the treaty of cession of 1859. While the Yanktons hunted and trapped over a large area, the great majority recognized Strike the Ree Camp as their principal village and their sachems assembled here whenever an important council was to be held, and here at least once a year an embassy from the "Great Father" at Washington was accustomed to visit them by steamboat, with gifts in token of the Great Father's paternal regard and evidence of his friendship and good will. The plains and streams of this Dakota country abounded in fur-bearing animals and the traffic in this merchandise brought independent traders among them, while a number of trading posts, representing various fur companies, had been maintained in their country for scores of years.

Strike the Ree, or "Old Strike," as he was called by the pioneers, the head chief of the Yanktons at the time this local history begins, was a very able Indian and chieftain, endowed by nature with many of the qualities of leadership, a consistent and lifelong friend of the white people, and a model ruler of his tribe. He had distinguished himself on the warpath when his tribe was engaged in conflict with the red men of other nations, but was esteemed more for his

ful victories than as a warrior. He was regarded by the braves of his own and other tribes as a wise chieftain with a good, kind heart, who sought at all times to promote the welfare and best interests of his people. He seemed to realize that fate had decreed the subordination of the Indians to the civilization of the paleface, and was therefore a friend of the whites from motives of self-interest, or the interest of his people, as well as influenced by a nature genial and peaceful and an ambition to improve the condition of the Indians by emulating the virtues of civilization. He was the "Grand Old Man" of the aboriginal inhabitants of Dakota and possessed in a remarkable degree their confidence. He was inflexible in pursuing a policy of peace with the whites and cultivating the friendship of the "Great Father" at Washington, and was therefore not disposed to resist unreasonably the encroachments which the whites were making upon the Indian domain. He felt that this was inevitable, and if he did not invite it, he was too wise to oppose it by force, and was wise enough to make the best of it.

The Yanktons had other villages or camps under the rule of subordinate chiefs. One of these was situated in the immediate valley of the Missouri, about three miles west of the Western Portland Cement plant and was known as "Smutty Bear's" camp, the chief of that band being a celebrated warrior named Ma-to-sa-be-che-a, or, translated into the English, the "Smutty Bear." There was also a camp of the Yanktons on the east side of the James River near the present wagon bridge. This was the band under the command of "Feather-in-the-Ear," a redoubtable Yankton brave.

Another band, under "Mad Bull," had a permanent camp on the Vermillion, and there were two bands whose local habitations were on the Big Sioux and in the valley of Brule Creek. "Rain-in-the-Face" was located at Emanuel Creek, now in Bon Homme County, and there were others farther up the river, even as far away as Fort Pierre and above, who seldom visited this section and who took little part in the councils of the tribes.

On the 12th day of May, 1857, William P. Lyman, who had been connected with the military expedition of General Harney through Nebraska Territory in 1855, came down from Fort Randall and established a ferry on James River, near the site of the present wagon bridge, and near the military trail from Sioux City to Fort Randall. The ferryboat used by Lyman was built at Randall and by him floated down the Missouri and up the James to the crossing, where it formed a very useful link in the Government military highway between Sioux City and the fort. Before the Lyman ferry was put in, the Government road crossed the James at a fording place a few miles north of the ferry site, following an old trail made by Lieutenant Warren in 1855, along the high land and passing three or four miles north of Yankton. After the establishment of the ferry, that road was abandoned, and travel patronized the road by way of Yankton. Up to this time, May 12, 1857, there was not a "pale face" known to be living in what is now Yankton County, or west of the Vermillion River. Lyman must therefore be credited with the title of first white settler, because he continued to reside here with his Indian family until he was carried farther west by the Black Hills wave of emigration in 1876. He was in the employ of Frost, Todd & Company, composed of D. M. Frost, of St. Louis; J. B. S. Todd, of Fort Randall, and Lewis H. Kennedy and Edward Atkinson, of Sioux City, a mercantile association that held a permit from the Government to engage in traffic with the Indians at various points in the territory, and under the authority of this license Lyman superintended the construction of a ferry house and trading post on the east bank of the James River at the ferry crossing.

The firm of Frost, Todd & Company also kept a general store in Sioux City, and was evidently preparing to become more deeply interested in the fur traffic. A little later, during 1857 and early in 1858, the firm constructed other trading posts along the Missouri Valley between the Big Sioux and Fort Pierre, ostensibly at least, for the purpose of carrying on a traffic with the Indians, though



A. C. VAN METER—WILLIAM P. LYMAN—CHARLES WAMBOLE

in the light of subsequent events it would appear that these improvements were also designed to secure certain preferred privileges which were made to such parties under the treaty then in contemplation, under the leadership of Todd, Picotte, Strike the Ree, Brughier, Rencontre, and others—a treaty that was consummated two years later and which effectually and forever did away with the special license feature of trade in this country where these trading posts were being erected. Captain Todd, as he was then called, was the active representative and manager of the affairs of D. M. Frost & Company and Frost, Todd & Company, in Dakota.

The work of constructing the trading post on the James was completed during the month of June, Lyman being assisted by Samuel Mortimer (known among the pioneers as "Spot"), Samuel Jerou, A. B. Smith and Arthur C. Van Meter, a French-Canadian, whose residence a portion of the time was on the Vermillion River, and who later made a permanent settlement in Clay County, and who about 1880 removed to Fort Pierre, near which place he died many years later. Van Meter was connected with the Yankton tribe by marriage, his wife being a very intelligent half-breed; and about this time he was engaged in carrying the United States mail and express from Sioux City to Fort Randall, making a round trip once a week and using two horses in his journeys, one of which he rode, while the other was the pack animal.

The James River settlement, of which Lyman was the pioneer and patriarch, was the sum total of "civilized encroachment" in what is known as the Missouri Slope counties west of the Big Sioux at the close of the year 1857, and this settlement was made up of the persons above named. This little colony of frontiersmen spent the winter at the ferry house and trading post, and its members employed their time hunting, trapping, fishing and getting out cabin timber. An occasional trip to Sioux City relieved the monotony of pioneering in their bachelor quarters and enabled them to replenish their slender store with such viands as were almost indispensable to the social enjoyment of pioneers situated as they were. Many of the Yankton Indians had erected winter quarters in the shelter of the heavy timber along the river, preferring a wigwam in the forest to a dirt lodge on the prairie. About a thousand Indians of all sexes and ages were estimated to be in camp in that vicinity during the winter of 1857-58, and a more orderly and peaceful community could hardly be found in any part of the world, however civilized. Muskrat were abundant and thousands were taken. Beaver were quite plentiful and their furs this winter were uniformly of superior quality. The beaver had constructed an excellent dam across the river about three miles below the ferry house, exhibiting an intelligence almost human in the character of the work, which was formed by trees nearly a foot in diameter, through which the animals had gnawed and felled in such a manner as to support the wall of mud which they had applied in great abundance. This dam was on exhibition for many years after the whites occupied the country, and belonged to the preemption claim of Dr. Van Osdel.

In February, 1858, the Upper Missouri Land Company was organized at Sioux City, made up of J. B. S. Todd, D. M. Frost, Lewis H. Kennerly, Edward Atkinson, A. W. Hubbard (afterwards a member of Congress from Iowa), Dr. J. K. Cook, Dr. S. P. Yeomans and Enos Stutsman, who was the secretary and executive officer. Under the direction and with the support of this company a movement was set on foot having for its purpose the making of a treaty with the Yankton Indians for the cession of a large tract of their Dakota domain. A treaty delegation was selected, composed of Captain Todd, Charles F. Picotte (an educated Yankton half-breed), W. P. Lyman, Zephyr Rencontre, Theophilis Brughier, the last named a French Canadian who had married a half-breed Sioux wife, whose home just below the mouth of the Big Sioux had been a landmark for a quarter of a century, and continued to be occupied by himself and his quarter-breed descendants up to the beginning of the present century. There were with twelve or fifteen of the most influential warriors of the Yankton tribe, in-

cluding "Old Strike," were sent to Washington for the purpose of effecting a treaty of cession, the details of which had been already practically agreed upon. This delegation set out at once for the national capital. The facilities for travel were very limited at that time, even through the great State of Iowa, and the party was obliged to make the trip to Iowa City, the nearest railroad point, or if not the nearest, the most convenient to reach, in three lumber wagons, and although all of them were accustomed to the privations that frequently beset the pioneer and inured to all sorts of weather, they all suffered intensely crossing the Iowa plains. It was a cold month and there had been considerable snow piled up in drifts along the road, which at times was no road at all. At one place on the route they encountered a big snowdrift near an open slough, and in their efforts to cross, Picotte's wagon upset and he found himself in the snow and mud at the bottom of the entire load and three or four stalwart Indians on top of him. Nearly a week was consumed when the delegation reached Iowa City and the cars, and from there to Washington the trip was without unusual incident. A long delay was met with at Washington, caused by the stubbornness of some of the Indian delegates, who had made up their minds that they did not want to sell their land. However, Picotte and "Old Strike" had made up their minds that they did want to sell it, and that they had come to Washington for that express purpose. Two months were consumed in wearisome negotiations, in feasting and in consultation, and one by one the obstinate were brought over. About the middle of April the last recalcitrant surrendered and the treaty was formally agreed upon and signed, on the part of the United States by the commissioner of Indian affairs, Hon. Charles E. Mix, and on the part of the Indians by the leading chiefs of the party. Before it became binding upon either party, however, it was required to be ratified by the United States Senate. In this case, however, all parties felt sanguine that the Senate would speedily approve it as soon as practicable after Congress assembled the coming winter, and the delegation returned to Dakota exultant over their success, and were received by the settlers at Sioux City and squatters along the upper river with a true frontier welcome. The Sioux City people realized fully the benefits to flow to them when Dakota should be peopled with a producing population.

The first settlement, or attempt at settlement, made on the Townsite of Yankton was that of C. J. Holman, of Sergeants Bluff, Iowa, who, with his father, W. P. Holman, and Johnson Burritt, Gilbert Bowe, Harry Narveas, Stephen Saunders, and a Mr. Tudor and Mr. Smith, came up from Sioux City on the Nebraska side, in March, 1858, and halted at a point six miles below Yankton at a place called Laneer, so-called by Mr. Holman, where the party, with the exception of W. P. Holman, crossed in canoes to the Dakota side. This band of young adventurers were supported by an organization at Sioux City, composed of Billis Roberts, a Mr. Lamb, who was proprietor of the Sioux City House, Ben Stafford, Judge Campbell, with Charles P. Booge, John H. Charles and others as silent partners, or members. This company, aware of the purpose of the Upper Missouri Land Company, also a Sioux City organization, to locate towns in Dakota, had resolved to be first on the ground at Yankton and locate the site for the coming metropolis and also secure a share of the surrounding country. Spring floods were heavy in 1858 and the bottom lands between the Missouri and James rivers below Yankton were partially covered with water and ice, in places four and five feet in depth. Holman and his men waded through the flood about five miles, carrying their provisions and equipment on their backs, and finally reached dry land on the first bench west of the James river. The party came on to the present townsite of Yankton the same day and found it vacant—not a vestige of human habitation, Indian or white—and Holman pitched his tent near the foot of Pine street. This date was about the 20th of March, 1858. Shortly after, as Holman claims, or about the 10th of April, George D. Fiske and Samuel Mortimer, representing Frost, Todd & Co., who had been living at the Ferry cabin on the James river, came over and pitched their tent near Holman's. Holman was then

waited upon by a delegation of Indians and informed that his party were trespassers and would not be permitted to remain on this side of the Missouri. The Holman party thereupon withdrew to the Nebraska side. The delegation of Yankton Indians was in Washington at this time, with General Todd, Charles F. Picotte and others, arranging a treaty by which the lands of the southern portion of the territory would be ceded to the United States, and Holman's purpose was to make a settlement under which he could hold the land when the treaty was effected. Frost, Todd & Co., the licensed traders, were anxious to secure the same tract, and their employes were permitted to reside on the Indian lands. All other whites were debarred as trespassers. Early in May, Holman received word that the treaty had been made and, being joined by a reinforcement consisting of Ben Stafford of Sioux City and a man named Bonsell, who claimed to have a trader's license, Holman made a raft of logs he had been cutting on the Nebraska side, crossed them in the night to the Dakota shore and began the construction of a cabin near the foot of Pine street. Before completing his domicile he was set upon by a band of Yankton Indians under the direction of Mortimer, who partially wrecked the cabin, Holman and his men in the meantime trying to prevent the destruction. A fist to fist scuffle was indulged in, neither party being armed (the Indians had been instructed to use no weapons unless they were resisted with firearms, and the Holman party had left their guns in their Nebraska cabin). Holman claimed to have subdued the attacking force, and then by use of soft phrases and a liberal feast to have won over "Dog's Claw," the Indian chief, and despite Mortimer's protest, he or his representative was permitted to complete his cabin, which he did, and resided in it during the summer free from further molestation.

In March, 1858, George D. Fiske, an employe of Frost, Todd & Co., reached Yankton and pitched his tent near the river bank at the foot of the present Walnut Street. Mr. Fiske had charge of the mercantile affairs of that firm at Yankton, and was the first white man to take up his permanent abode within the present corporate limits of the city, though Holman was doubtless the first who made improvements. At that time there was not a structure of any kind except the tepees of the Indians west of James River within the boundaries of the present Yankton County. Holman must have reached Yankton shortly after Fiske's arrival at James River, as he speaks of meeting both Fiske and "Spot" and of having some trouble with them. In July following Fiske's arrival a trading post was built under Lyman's supervision, on the river bank just east of Walnut Street. This structure was composed of two log buildings, joined together by an open shed, one part intended to be used as a store and the other for living purposes. It was learned from the treaty making party on its return from Washington in May that the treaty agreed upon and signed at Washington ceded a tract of 14,000,000 acres, about twenty-five thousand square miles, of South Dakota land to the United States in consideration of \$1,600,066, or a trifle over twelve cents an acre. In the tract so ceded the Yankton Indians reserved 400,000 acres (known as the Yankton Reservation in Charles Mix County), and were by the terms of the treaty allowed one year from the ratification thereof by the United States Senate to remove from their various villages and camps to their new homes. The treaty further provided that Charles F. Picotte should be entitled to select a tract of 640 acres of land at any point in the ceded portion he might elect; also that Zephyr Rencontre should have the same privilege; and that the traders (Frost, Todd & Co.) should have the privilege of purchasing, for \$1.25 an acre, 160 acres at every point where they had trading posts.

In June, 1858, the treaty grants to Picotte, and also the selection made by Frost, Todd & Co., were surveyed out by Mr. George M. Ryall, of Sioux City. Picotte had selected his grant of one section soon after returning from his treaty making trip to Washington; it embraced the fractional section lying between Douglass Avenue and the line running south to the river from the State Farm on the old State Fair road. It took in all of College Hill, and east to the west line

of the Stone farm. Frost, Todd & Co. selected a quarter section adjoining Picotte on the west and fronting on the river as the townsite of Yankton, and made other selections on the James, Vermillion and Big Sioux rivers. This selection of Picotte's covered all the land staked off by the Holman party, including their cabin, and as Picotte does not appear to have made any protest against the improvements made by Holman, it was presumed that he knew his title would be amply protected by the treaty and he was not therefore inclined to protest against a gratuitous improvement of his property, for he was in need of a cabin and would have unquestionably appropriated Holman's if the Indians and soldiers had permitted it to remain.

There are some very plausible reasons for believing that the firm of Frost, Todd & Co. had in view the location of townsites in Dakota when they formed that business association. It appears that the formation of this company was immediately followed by the active efforts of the firm to affect a treaty of cession with the Yankton Indians. The erection of the trading posts at certain points between the Big Sioux and Choteau Creek was being actively pushed at the same time that Captain Todd, Picotte and the Yankton chiefs were in Washington negotiating the treaty, and it is clear that the trading monopoly would be utterly destroyed as soon as this treaty was perfected and ratified. There seems to be no other inference than that the trading posts were built to secure the privilege of purchasing the land at \$1.25 an acre, and not for the purpose of traffic with the Indians, for there could no longer be any trade monopoly nor a great deal of Indian traffic after the country was thrown open to settlers and the Indians removed to their reservation.

The formation of the Upper Missouri Land Company in February, 1858, composed of a portion, if not all, of the members of the trading firm, together with a number of prominent Sioux City men, is another movement corroborating this view of the matter. As all these movements were publicly known at Sioux City, Holman was well acquainted with them and this will explain his resolute persistency in clinging to his Dakota holdings, and might justify in a measure his determination to secure a foothold at this point. The treaty fully discloses that a few parties obtained valuable concessions and as this became known, especially to the body of Indians, it created a great deal of indignation among the Indians and was made the pretext for considerable complaint, as will appear from time to time.

In June, 1858, an enumeration of the white people in Yankton County would have revealed the presence of George D. Fiske, William P. Lyman, Samuel Mortimer (Spot), Samuel Jerou, A. B. Smith, Lytle M. Griffith, the first carpenter, Frank Chapel, James M. Stone, who had come in during the spring and was operating the ferry on James River which he had probably purchased from the trading firm or had built another boat, and Francis Dupuis. Mr. Dupuis was a skillful raftsman, and had convoyed a small raft of sixteen red cedar logs from Fort Pierre to Yankton, which were employed in the construction of the trading post. Dupuis was an Indian trader of wide experience but we cannot find that he remained except for a short visit, when he probably went on to Sioux City to purchase supplies. He has been seen by the reader once before at the demolition of Fort Pierre. The Holman party may also be counted, though it would appear that they kept aloof from the trading firm's attaches and usually spent their days on the Nebraska side cutting house logs and making canoes, lodging and cooking in their Dakota cabin. All the others named were in the employ of Frost, Todd & Co., the licensed traders, and hence were lawful residents. After completing the building of the trading post at the foot of Walnut Street, Lyman, with Mortimer, Jerou and Smith, removed to Smutty Bear's camp, about nine miles above, where they erected another log cabin for the traders. It is very doubtful, however, about its having been occupied as a trading post. According to the statement of an early settler who had occasion to pass through the territory on Government business in 1860, and who must have taken some pains to



LAKE KAMPESKA, AT WATERTOWN
One source of the Big Sioux River



ON THE BANKS OF THE MISSOURI NEAR YANKTON

investigate, these trading posts for Frost, Todd & Co. were located as follows: One at Sioux Point on the Missouri, nearly west of the wagon bridge which crosses the Big Sioux; one near the future Town of Elk Point; one at Miles Hall's Point, about half way between Elk Point and Vermillion; one at the Vermillion crossing; one at the Government ferry on the James River, where the bridge over the "Jim" is located; one at Yankton at the foot of Walnut Street; and one twenty miles west of Yankton at Bon Homme. This statement omits the one at Smutty Bear's camp. The firm of D. M. Frost & Co. which was engaged in the trade prior to 1857 had a post, and probably two, on the upper river.

While these events were transpiring in the Lower James River Valley other portions of the Missouri slope country below Fort Randall were invaded by the intrepid pioneers. Bon Homme Island, with its ancient ruins of a stockade and citadel, and it was directly opposite the island on the north side that Lewis and Clark observed the wonderful growth of vegetation on the highlands, the plains being covered with native grasses which grew so tall that a man standing was nearly concealed by them.

BON HOMME AND BEYOND

Bon Homme County is carved out of that portion of Dakota famed for its natural riches. It was opposite Bon Homme Island, on the Dakota side, that Lewis and Clark observed the wonderful growth of vegetation on the highlands, the plains being covered by the native grasses that grew so high that a man standing was nearly concealed by them. It was Bon Homme that attracted the admiration of the colony from Mantorville, Minnesota, in May, 1858, while on its way to Pike's Peak, and influenced a change in their plans which made them the first settlers of that section. The settlement and development of the county has fully justified these early impressions. It is now one of the richest agricultural counties in the Northwest and owes its prosperity and substantial position altogether to its soil, for it contains no large towns and has no manufactories or industries of more than local importance, but its lands are sought for their fertility, and some of the most complete farm homes and ranches within the Dakotas are found within its borders. It embraces nearly seventeen congressional townships, nearly four hundred thousand acres. It is well watered by numerous streams and as a consequence its surface is more broken than the average prairie country in neighboring counties, and has always possessed an abundant supply of native timber.

The first trading post in this section of the Northwest built for traffic with the Yankton Indians was built at the mouth of Emanuel Creek in what is now Bon Homme County, by Emanuel Disaul, a French-Canadian, for whom the creek was named. He was for a long time the solitary white occupant of the country, and the date of the settlement is set down at about 1815. He treated the Indians honorably and won their confidence and friendship. He was never molested. He finally removed, but where to or the date of his leaving can not be ascertained.

Maj. Robert Dollard, of Scotland, had been to some pains to collect the traditional history of Bon Homme County. In an address delivered at Olivet a few years ago he said:

Bon Homme Island in the Missouri River received its name from a young man who was captured by the Indians about 1830, and who, after his release from captivity which was given him because of his good qualities, located on the island and lived there the remainder of his life; he died about 1848. He subsisted by hunting wild turkeys and buffalo, supplying the fur traders who called upon him in their boats, with robes and turkey meat. He was known to the Indians as well as whites as a good man because of his many acts of kindness to the savage as well as civilized people. It is related of him that between 1838 and 1850 he saved the lives of a number of white men who were prospecting for coal along the bluffs on the Nebraska side of the river where a thousand savage Indians held them imprisoned in the Devil's Nest. He was famous for his hospitality. He was called "The Good Man," in English; "Bon Homme" in French, and "Washta Pale Face" in Indian. The county takes its name from the island in the river along its southern border.

This explanation of the origin of the name "Bon Homme," while commendable, must be incorrect as to the matter of time, as Lewis and Clark, a quarter of a century earlier, speak of Bon Homme Island. Mr. Dollard's tradition probably relates to an incident of much earlier date than he gives it.

The first settlement of importance in Bon Homme County was made by a small colony, nearly all young men, from Mantorville, Dodge County, Minnesota. This company started for the gold fields of Colorado, Pike's Peak, in 1858, and struck the Missouri River at Sioux City, where they crossed the stream and continued their journey along the south bank of the river to Bon Homme Island. Here they halted, having been favorably impressed with the beauty and apparent fertility of the land on the Dakota side. They finally resolved to investigate, and for this purpose constructed a large canoe from a cottonwood log, and two or three of the leaders crossed to the Dakota side and landed at the future site of the Village of Bon Homme. The "lay of the land," the deep, rich soil, the heavy growth of grass, all justified their first impression and the result was that the trip to Pike's Peak was abandoned, and they decided to locate at Bon Homme. They crossed their people and their effects in the Gentle Annie, the name given to the cottonwood canoe, swimming their animals. The first necessary work of providing suitable shelter for their people was set about with no delay, and soon comfortable log buildings were erected for habitations, and a townsite located and a townsite cabin constructed. This company was led by John H. Shober, a lawyer, a man of energy and ability, and it was made up of John Remme, Edward and Daniel Gifford, Fred Carman, John Mantle, John Tallmann, Thomas J. Tate, W. W. Warford, George Falkenberg, Lewis Jones (colored), Aaron Hammond, wife and one child, Reuben Wallace and H. D. Stager.

Another party came from Dodge County, Minnesota, under Mr. Shober's leadership, who had returned for them, that also settled in Bon Homme County, and arrived there on the 12th of November, 1859, consisting of thirteen wagons and considerable loose stock. This party was made up of C. G. Irish and family, who, I think, left Dakota in the spring of 1881; John Butterfield, who returned to Minnesota; Jonathan Brown and family, the family returned to Minnesota, Mr. Brown died in Meade County a few years ago; Francis Rounds, who died at Yankton in 1901; Cordelia Rounds, now Mrs. W. T. Williams, Shawnee, Oklahoma; and George T. Rounds, Stoneville, South Dakota. Joseph and Charles Stager left in 1865, and Nathan McDaniels and family, C. E. Rowley and Laban H. Litchfield arrived in Bon Homme on the 26th of December, 1859. Mr. McDaniels died in Meade County a few years ago; his widow and three sons, Daniel, George and Joseph, live in Meade County. The rest of the family is scattered and some dead.

A frontiersman of some repute named William M. Armour located in what is now Bon Homme County, near Choteau Creek, in 1858, and in the same fall or the following spring went out to the newly discovered Pike's Peak gold fields.

George L. Tackett, an early settler of Sioux City and the first sheriff of Woodbury County, of which Sioux City is the capital, removed to the western border of Bon Homme County in 1859, and built a very large and substantial log building for hotel purposes. It was bullet proof and "Tackett's Station" became a famous stopping place for military men, freighters and frontiersmen.

Daniel P. Bradford and son Henry arrived in Bon Homme from Fort Laramie, Wyoming, on the 2d day of January, 1860; his family was then in Sioux City and came to Bon Homme the following spring. Miss Emma Bradford taught school during the summer of 1860, in a log schoolhouse at Bon Homme built by Shober, Warford and others. The school consisted of nine pupils, namely: John, Ira and Melissa Brown, Anna Bradford, Anna, Mary and George McDaniels, George and Delia Rounds. It was the first schoolhouse built in Dakota and claimed to have been the first school taught in the territory.

The school building was a log structure 14x15 feet on the ground. It had no floor other than the prairie soil, one window, six panes, 8x10, plastered with



THOMAS H. BENTON
United States senator from Missouri
for thirty years



GENERAL W. S. HARNEY
In command of first military expedition
to Dakota, 1855



MONUMENT ERECTED TO COMMEMORATE THE FIRST SCHOOL
HOUSE IN DAKOTA TERRITORY, LOCATED AT BON HONOR

ordinary frontier plaster. The desks were made from the lumber in a discarded wagon box, and the seats were three-legged stools. But it served every purpose, was really an ornament to the little settlement and its settlers who had shown such a commendable interest in hastening the beginning of educational facilities.

In the fall of 1858 the Bon Homme settlement met with a serious reverse, resulting in its few pioneers being driven from their primitive abodes and compelled to remove across the Missouri River into the Territory of Nebraska. Mention has already been made of the edict sent out by the Department of the Interior warning all trespassers to remove forthwith from Dakota, and following this came the order to the military commander at Fort Randall to use his troops for the purpose of effectually executing the order. Accordingly, Captain Lovell, with a company of infantry, came down from the fort and summarily ejected the trespassers. These trespassers included all white settlers who were in Dakota without authority of law, and this authority covered only the military people, the officers and employes of the Indian agent at Yankton agency, and those white men who had obtained Yankton Indian wives and were living in the territory, and the officers and employes of the licensed traders, who at this time were Frost, Todd & Company. The Bon Homme settlement was about the first point where the soldiers encountered the proscribed class, and they literally drove them down the bank of the river and across the stream, at the same time applying the torch to their cabins and improvements, and that material that would not readily burn was dragged down and thrown into the river. The work of destruction was made complete. The refugee colony was made up of W. W. Warford, a half-brother of George T. Rounds, John Mantle, Fred Carmine, John Talman, William Young, Aaron Hammond, his wife and one child, Daniel Gifford, Edward Gifford and George Falkenberg. Mrs. Hammond was the first white woman to settle at Bon Homme. The colony built a log house on the Nebraska side and lived there until the early spring of 1859, when they again removed to Bon Homme, and rebuilt their cabins near the site of those destroyed.

The writer has much of this information from George T. Rounds, one of the party who reached Bon Homme from Mantorville in 1859. As to what became of this party later in life, Mr. Rounds says:

Mr. Shoher remained at Bon Homme until 1865, when he went to Helena, Mont. John Renne went to Colorado in 1860; do not know what became of him. Fred Carman, John Mantle and some others went to Colorado. Edward Gifford went to Colorado in 1865 and was killed by an accident in the mines. John Tallaman enlisted in Company A, First Dakota Cavalry, and was frozen to death in the timber near Vermillion during his term of service. T. J. Late is at the soldiers' home, Hot Springs, this state. George Falkenberg has a cattle ranch in the southern Black Hills country. W. W. Warford died at Bon Homme in 1862. Lewis Jones was killed in Yankton by Burns Smith, about 1860. Mr. Hammond and wife had a child born in 1860, supposed to be the first white child born in the territory. They afterwards moved to Iowa.

Mr. D. P. Bradford died in Bon Homme. Miss Emma Bradford became Mrs. John Swobe and resides at Hartington, Neb. Mrs. John Kountz, widow of Samuel Grant and eldest daughter of Mr. Bradford, resides in Pittsburg, and the youngest daughter, Anna, who is married, lives in Scotland. There are a good many whom I have lost track of that came in during the first two years, as the most of the settlers left during the Indian troubles of 1862. Mr. McDaniels and family, D. P. Bradford and family, and Francis Rounds and family being the only families that returned to Bon Homme County from the fortifications around the old Ash Hotel at Yankton, at the close of the Indian raid in September, 1862. George M. Pinney came in the spring of 1860, and Charles N. Cooper and Richard O. Johnson laid out the town of Springfield in 1860. Mr. Johnson is still living in Ford, Lincoln County. These facts have been mainly secured from George T. Rounds, who said that he was one of the Bon Homme pioneers. Regarding the fortifications on Bon Homme Island, Mr. Rounds says there were marks of a fortification near the foot of the island consisting of an embankment which covered about five acres, also a small fortification near the fortification was a place marked as the grave of the man called "Bon Homme." His real name I cannot remember. A Frenchman by the name of John McBride told me that he was one of the party who buried him. Mr. McBride's now dead. I have been in enquiry in regard to his burial from relations who lived in St. Louis. Mr. McBride, twenty years the river has completely cut away the spot and in the island, such as it is, if there remains any trace of the old fort. Hugh Prader, and his son, John Prader, were

to Bon Homme in the spring of 1861. There was a Miss Gifford (Charlotte), I think, who taught school in Yankton during the spring of 1862. My recollection is that Charles T. McCoy came to Bon Homme in 1867 from Olmsted County, Minn.

CHARLES P. BOOGE NOMINATED

The first formal political movement in Bon Homme County was a mass convention held in 1861, when the following proceedings were had:

Pursuant to a call, the electors of Bon Homme district met in mass convention in Bon Homme, September 5, 1861, for the purpose of nominating one councilman and two members of the Assembly.

The convention was called to order by D. C. Gross, chairman of the convention. W. W. Warford was chosen secretary, after which a motion was made by Moses Herrick that the convention proceed to nominate by acclamation. Carried.

The following persons were then nominated without a dissenting vote: For Council, John H. Shober; for representatives, George M. Pinney and Reuben Wallace. After which the following resolutions were introduced and unanimously adopted:

Resolved, That we recognize Charles P. Booge as a representative man of the people, one of the first settlers of the Territory, and has ever had at heart the best interests of the people of Dakota Territory, and if elected to Congress we have every confidence he will fulfill any pledge made in his Platform.

Resolved, That we, the electors of Bon Homme District, in Mass Convention assembled, do hereby pledge our undivided support to the nominees of this Convention and to Charles P. Booge for delegate to Congress.

D. C. GROSS, Chairman.

W. W. WARFORD, Secretary.

Bon Homme embraced the Fifth Council District and the Seventh Representative District, under the governor's proclamation of 1861, and at the election in September elected John H. Shober, councilman, by fifty-two votes, no opposition; and for representative chose George M. Pinney, by fifty-three votes, and Reuben Wallace, by fifty-one votes.

At the session of the Legislature in 1864-65 a bill was passed through both houses of the Legislative Assembly, late in the session, changing the name of Bon Homme County to Jefferson; Charles Mix to Franklin; and Todd to Jackson; but it did not reach the governor until the last day of the session. It was not approved and the old names have been retained and will be to the end of time.

The original Town of Bon Homme was laid out in the summer of 1860 by a company composed of John H. Shober, Reuben Wallace and Moses Herrick. The last named built a hotel building and opened a public house. This was the first structure erected on the townsite after the town was surveyed. The Town of Wanari, about eight miles west of Bon Homme, was laid out at the same time by a company made up of R. M. Johnson, Henry Hartsough and C. N. Cooper. Both these towns were incorporated by the first Legislature, which convened in 1862, and the name "Wanari" was changed to Springfield.

The treaty of cession between the Yankton Indians and the Government provided that certain Indians and half-breeds should be given a tract of land at any point they might select from the ceded lands not otherwise reserved. Under this provision of the treaty Zephyr Rencontre, a Yankton half-breed, took up a 640-acre tract adjoining and probably including the Shober townsite at Bon Homme. A large tract of this he sold a few years later to Dr. W. A. Burleigh and Gov. A. J. Faulk, who laid out a townsite which was afterward incorporated. It was already the county seat by act of the Legislature; was also the seat of the United States Court, and had a postoffice with Mrs. Francis Rounds as postmistress. Its first hotel keeper was Moses Herrick, who afterwards moved to Yankton, thence to Vermillion.

A number of stores were built, a blacksmith shop and dwellings, until quite a village had sprung up. The land surrounding for several miles (five or

six) was all taken by settlers and much of it already producing sod corn, oats and potatoes. The village began to decline later, but was not entirely abandoned as a town until 1885, when the county seat was removed to Tyndall. It was cut off from all railway facilities, and a number of other towns had grown up in the county and had taken away its trade.

The early settlement of Bon Homme County was greatly retarded because of the proximity of the Yankton Indian reservation, which joined it on the west. But as a matter of fact the county was singularly exempt from Indian raids and depredations. It is not intended in this sketch to give any facts later than 1861; but as appropriate to this subject of settlement, will state that in the widespread Indian excitement of August and September, 1862, known as the Little Crow outbreak, the county was entirely abandoned by its white settlers, who came to Yankton, and when the alarm had subsided there were but three families who returned to their claims.

CHAPTER XV

FIRST WHITE SETTLEMENTS ON THE MISSOURI SLOPE IN DAKOTA

(Continued)

THE VERMILLION VALLEY—SPIRIT MOUND—FORT VERMILLION—A MORMON COLONY—
DICKSON'S POST—ALECK C'S POINT—KENNERLY AND VAN METER ESTABLISH
A FERRY—FIRST SETTLERS AT VERMILLION—IMPROVEMENT—FIRST LUTHERAN
RELIGIOUS AND EDUCATIONAL ORGANIZATION—FIRST SCHOOL—FIRST SUNDAY
SCHOOL—THE DAKOTA REPUBLICAN—FIRST TERM OF COURT—TEXT OF THE
YANKTON TREATY.

In the journal of the Lewis and Clark expedition is found the first historical mention of a conspicuous landmark in South Dakota, that of Spirit Mound, Clay County, and the reader is referred to the first chapters in this book for the description of the mound given by Captain Lewis, who personally visited and measured it. We have in this visit the first introduction of white men to the Valley of the Vermillion, of date, 1804. The explorers, however, called the river the Whitestone and again Redstone.

Fort Vermillion was undoubtedly the first improvement made by white men in what is now Clay County. This was a trading post built by the American Fur Company of St. Louis about the year 1830, and stood on the bank of the Missouri River, about two and a half miles below the present Village of Burbank. Its site was dimly discernible in 1859, when this territory was thrown open to settlement, but since then the ground it covered has been swallowed up by the Missouri River, with hundreds of acres of adjoining soil, which has cut away the banks of the stream with its swift current. Audubon, the ornithologist, visited the fort in 1843 and described it as a square, strongly built, and without portholes. Larpenteur, a fur trader of many years' experience and a historian, was in charge of the fort as late as 1850. It was abandoned in 1854. In August, 1844, a colony of Mormons, numbering ninety persons, with thirty wagons, left Hancock County, Illinois, to explore the Rocky Mountain country and select a new location for their church. They spent the winter following at Council Bluffs, Iowa, and in that fall they reached Fort Vermillion and spent the winter of 1845-46 at and near the trading post. The next spring they marched up the Missouri, passing near "Strike-the-Rees" camp (Yankton), crossed the Missouri at the mouth of the Niobrara Valley and reached Great Salt Lake about the first of August the latter year.

The Columbia Fur Company also built a trading post about the same time some two miles east of the present City of Gayville, on the bank of the river. The post is supposed to have stood very near the present farm of Mrs. S. C. Fargo. It was a small affair and was called Dickson's Post, named for Joseph Dickson, an old trader, who had been in the country since 1804. It survived for a few years only, the American absorbing the company that built it.

Alexander C. Young came to Dakota in 1834, or rather to old Fort Pierre, then a new trading post of the American Fur Company of St. Louis, and was in the employ of that company; he frequently associated with William Sublette



JUDGE JEFFERSON P. KIDDER,
1865

Delegate to Congress from 1875 to 1879. Judge of the U. S. District Court, first Dakota district from 1865 to 1875 and from 1879 to 1883. Died in office.



JUDGE WILMOT W. BROOKINGS

Pioneer of Sioux Falls, 1857. Later legislator, U. S. District Court Judge, and a leader in politics.



SAMUEL J. ALBRIGHT
Provisional governor 1859 at
Sioux Falls

and Henry Vanderburg, two quite famous frontiersmen. He followed trading and traffic until about the time of Harney's expedition to Fort Pierre in 1855, when he abandoned trapping and settled near the Vermillion, or old Fort Vermillion, with his Indian family, he having taken a wife from the Yankton tribe. He built a dwelling at or near the present Village of Burbank, in 1855, and his place was known among the early settlers as "Aleck C's Point." In 1857 Charles V. Cordier joined the Young settlement, which was the first in what is now Clay County, Cordier residing there a number of years, and finally died there; but the year of his death cannot be stated. Young removed to the Yankton Indian Reservation about the time the Indians removed from Yankton, or the year succeeding, and abandoned his possessions at "Aleck C's Point." He there renewed his relations with the tribe. In the year 1858, Frost, Todd & Company built the cabin known as the "trading post" near the mouth of the Vermillion River, and Henry Kennerly, of St. Louis, a young man about twenty-four years of age, resided there and was the agent of the company up to the time when the country was opened to settlement in 1859. It does not appear that the company kept any goods at this place for the purpose of traffic with the Indians or whites, and the impression among the settlers was that the main object of erecting the cabin was to secure the location for town-site purposes. When the territory was thrown open to settlement, Frost, Todd & Company made claim to two quarter sections, embracing a large part of the old Vermillion townsite, but their right was contested by settlers and the company was defeated, not being able to establish title to any portion of their claim.

A rope ferry was put in across the Vermillion in 1857, before the trader's cabin was built. It was known as Van Meter's ferry and was located at the "trading post." A. C. Van Meter lived at the cabin part of the time. He also carried the mail from Sioux City to Fort Randall at that time; but he called the Vermillion cabin his home, and claimed a tract of land at that point. His wife was a half-breed Yankton, a very intelligent woman, and an excellent wife and mother, as many white people among the early settlers could testify. It is conceded by Clay County's pioneers, though it would appear from the best evidence now obtainable, that Kennerly and Van Meter were at least contemporaries. An old shack of a building perched on a side hill not far from the trader's cabin had been abandoned before the settlers came in 1858, and this rude structure is thought to have been erected by Van Meter some time anterior to the building of the trading post, with the view of making claim to the land when it was opened to settlement, and a few years later Van Meter's Addition to Vermillion appeared among the recorded town plats in that county.

Following Kennerly and Van Meter, a small company of Norwegians came into the Vermillion and Missouri valleys in the early summer of 1859. These were Ole Olson, father of the first white child born in Dakota, and Halvor Swenson, with their families, who came from North Bend, Nebraska, and took up land not far from the present Village of Meckling. These may have been the first farmers to settle in the Vermillion or Missouri Valley in that section. Mr. Hans Myron, then a boy of twelve years, now of Gayville, was in company with these people, though his father, Syvert H. Myron, with the remainder of his family, arrived a few days later.

James McHenry, of Nebraska, moved across the Missouri to Vermillion in 1859, built a store building and became the first merchant. About August 1, 1859, George and Parker V. Brown, brothers, and Marcellus Lathrop, all from or near Ponca, Nebraska, moved across the Missouri and settled in Vermillion, and a little later the colony was increased by the arrival of Miner Robinson and his family and John Listrop. Mrs. George Brown and Mrs. Marcellus Lathrop were the first white women who settled in what is now Clay County. George Brown, mentioned above, was the father of the first wife of Hon. D. T. Bramble, who died at Ponca prior to Mr. Bramble's removal to Yankton. Parker

Brown was known by the name of Deacon, but this name was a misnomer, for he was reputed to be the most proficient in profanity of any man in the settlement. The Brown brothers built a log structure near the old trading post, which was afterwards bought by Captain Miner and used as a hotel. The Browns remained in this new location but a year or two. The moccasin tracks were fading out; they felt the restraint of so much civilization and removed early in the fall to a beautiful and sightly location ten miles west of Yankton, where they erected a comfortable and rather commodious log hotel building and prepared to entertain the traveling public. They called the new location Lakeport because of a number of romantic sheets of water that environed their new home and gave to the atmosphere the odor of a fresh water watering place. These were not all permanent lakes and their number has since been materially decreased.

In the year of 1859 there was quite a large increase of settlers in the Vermillion Valley and at Vermillion. A large increase at that time was not an overwhelming number, but the immigration of that year brought in a number of men of the most substantial and resolute character.

Among the new comers were Aslak Iverson, Ole Bottolfson, a born leader, John Aalseth, August Bruger, Alexander Lancrease, John Gidross, Miles R. Hall, Franklin Taylor, L. E. Phelps, Chris Larson, Lewis Larson, Cornelius Andrews and Nelson Cusick, nearly all farmers.

Mr. W. W. Benedict, late a resident of Springfield, Bon Homme County, left Minnesota as early as 1854, and with a prairie schooner crossed the plains to Nebraska and finally settled at North Bend, a small village on the Nebraska shore just above Vermillion. Here he remained until March, 1860, when he crossed the Missouri and took a preemption on the Missouri bottom near Vermillion. The Vermillion settlement made numerous accessions during 1860, among the new comers being John W. Boyle, Henry D. Betts, Jacob A. Jacobson, Bligh E. Wood, Nelson Miner, A. W. Puett, S. B. Mulholland, who built the first hotel on the site that was afterwards used for the St. Nicholas. Jacob Deuel and Hugh Compton came in February and built and operated a sawmill near the west bank of the Vermillion River in a heavy timber bordering the Missouri.

The first child born in Vermillion was Viola Van Metre, daughter of the old pioneer, A. C. Van Metre. The birth occurred in 1859. The first white child born in Dakota was Ole Olson, of Meckling, then called Lincoln. He was born in 1861. This statement is generally accepted as correct, but John and Mary Stanage, children of Hon. John Stanage, whose widow still resides in Yankton County, were born at Fort Pierre, and two of General Todd's children were born at Fort Randall, prior to 1861, and later than 1856. The first death in Vermillion or in that vicinity was that of Judge J. A. Denton, which occurred in December, 1859.

George and Parker Brown, with Marcellus Lathrop, settled at Vermillion in July or August, 1859, being the first settlers on the townsite after the territory was opened for settlement. They came from near Ponca, Nebraska, where they had been among the earliest settlers of Dixon County. They erected a building near the log cabin known as the trading post. This building was bought by Captain Miner soon after he came to Vermillion and used as a hotel, known as the Miner House.

In the year 1861 the population of Vermillion and its surrounding country was further increased by the arrival of Hon. A. J. Harlan, an ex-member of Congress from Indiana; William Shriner, G. B. Bigelow, N. V. Ross, Henry S. Kelley, A. J. Bell and E. M. Bond. The little Presbyterian Church, known as Father Martin's Church, was built at Vermillion in August, 1860. It was the first church edifice erected in Dakota, and was a log structure. Prior to this and as early as March, 1860, Rev. Charles D. Martin, who was called Father Martin, held religious services in the village. At the time the church building was erected a religious organization was perfected, presumed to be Presbyterian,



WILLIAM SHRINER
Came to Vermillion in Spring
of 1861



JESSE SHRINER
Came to Vermillion in 1861



HORACE J. AUSTIN, 1860



N. V. ROSS



FRANKLIN TAYLOR
Pioneer of Vermillion. Came to
Dakota in 1859



JOHN L. JOLLEY, 1865
Lawyer and legislator

CLAY COUNTY PIONEERS

and in September following a Sunday school was organized. A bell for the church was also procured by Father Martin, and Vermillion claimed to be the locality of the first religious meeting directed by a minister of the gospel within the territory; it also claims to have built the first structure for church purposes exclusively; also to have had the first bell to call its people to divine worship and holy thoughts; also to have organized the first Sunday school in the territory. The church building was torn down in September, 1862, and its logs used in erecting a fortification on the bank of the river, as a defense against the hostile Indians. The first school was taught in this church building near the close of 1860 by the first physician, Dr. James Caulkins, and it has been claimed to be the first school taught in Dakota, but that claim has been abandoned in favor of Bon Homme. On the 22d of October, 1860, Jacob Deuel and Miss Robinson were the principals in the first marriage celebrated in Vermillion, which was solemnized by Rev. C. D. Martin. The Dakota Republican, Vermillion's first newspaper, was founded by T. Elwood Clark and James Bedell, and the first number was issued September 6, 1861.

The term of court held at Vermillion the first Monday in August, 1861, was the first term of court held in the territory. Judge Williston presided, and A. F. Eckles was the clerk. A grand jury was impaneled which investigated some offenses for cutting timber on Government land, but found no indictments. Franklin Taylor was clerk of the court.

THE PIONEER METHODIST CHURCH

Rev. S. W. Ingham was appointed to the Dakota Mission of the Methodist Episcopal Church by the Iowa Conference, in the fall of 1860, and reached Vermillion on the 12th day of October, coming in on horseback. At that time there were few Methodists among the settlers, and not one was discovered at Vermillion, though the settlers turned out Sunday morning to listen to the message of the young divine who had come so far on horseback to cheer and enlighten them. Services were held in the Mulholland Hotel dining room.

The following Sunday Mr. Ingham was in Yankton, and there he was more fortunate in finding members of his denomination, but did not have as large a congregation in the morning as that which greeted him at Vermillion. He found at Yankton two of his church people in William Thompson, the carpenter who came in with Moses K. Armstrong from Minnesota in 1859, and Mr. Huston, who was styled by the old settlers as the "Old Yank." At the morning service four men and two women attended—a steamboat having arrived in port which proved a superior attraction. In the evening he held services at General Todd's town office, which was a frame building and something of a rarity. It was located on the corner of Broadway and Second streets, southwest, where he had a congregation numbering twenty-five.

Mr. Ingham went from Yankton to Bon Homme, where he performed a marriage ceremony, uniting Samuel Grant, a printer-farmer, and Miss Anne Bradford, the eldest daughter of Mr. and Mrs. Daniel W. Bradford. He found two Methodists in Bon Homme, Mr. and Mrs. Nathaniel McDaniels, but he received a hearty welcome, and the entire settlement turned out to hear him preach. These were the first Methodist services held in Dakota, and in the year preceding the organization of the territory. The person reporting these incidents mentioned the singing at the different meetings. It was fairly melodious and indicated that our early inhabitants were more or less familiar with gospel hymns.

The following statement, which shows probably the date of the first assembling of Methodists for organization in the territory, was written in their records by Rev. J. L. Payne, who succeeded Mr. Ingham in the fall of 1862 and resided on Brule Creek, in Cole County:

The class of Yankton, D. T., was formed on Thursday evening, January 1, 1863, at the home of Bro. Bligh F. Wood, where the friends of religion had assembled for prayer. Seven

joined that evening and two more the next day. As far as can be ascertained this is the furthest up the Valley of the Missouri of any religious society yet organized.

J. L. PAYNE, Pastor, 1862, p. 3.

Names of first members—Bligh F. Wood, Harriet or Hamet P. W. Wood, J. Whitnell Davis, Ann Mathieson, William Thompson, James E. Witherspoon, L. Z. Torspeich, Rhoda Gifford, Jacob Kyler.

The earliest Norwegian settlers came in from Nebraska and settled on the Vermillion bottom between the James and Vermillion rivers. This was in the summer of 1859, when Ole Olson and Halvor Iverson and Syfert H. Myron, with their families, took claims near the old Lincoln stage station, about three miles east of the Yankton County line. Hans Myron, now a prominent citizen of Gayville, was then a young lad and the only boy in the settlement. In 1860 in the spring, another small colony, headed by Ole Sampson, accompanied by his twelve-year-old brother, Louis Sampson, with Ole Bottolfson, John Aalseth and Aslak Iverson, Halvor Brydelson, Halvor Anderson and Peter Anderson, also from near North Bend, Nebraska, moved across the river and nearly all of them took land in the neighborhood of a locality called The Lakes, near the present thriving Village of Gayville, in Yankton County. Bottolfson and possibly some others, however, went further east and settled near the Vermillion River. Still another settlement was made about six miles north of Gayville on Clay Creek, or on a small tributary called Plum Creek, from the abundance of wild plums that grew along its banks. Nearly all these people were Lutherans, and it was a custom among them to meet at some one of the settlers' cabins on the Lord's day and hold religious services by reading the Scriptures, singing hymns and listening to short addresses. The first ordained clergyman to visit these settlers was Rev. Abraham Jacobson, in the fall of 1861, who came out with a body of Norwegian immigrants from Iowa and remained several months, holding frequent services. He officiated at two weddings during his stay and baptized a number. Mr. Jacobson had not come with any intention of locating, but more as a matter of recreation, and during the winter he returned home. The first Lutheran Church to be established was organized at the home of Jacob Jacobson, not far from the present Town of Meckling. It was called the "Norwegian Lutheran Congregation of Dakota Territory." This was in January, 1864, and resulted in securing the services of a Chicago divine, Rev. J. Krohn, who came out the following fall, and entered actively into the work of organizing the field. The officers of his Congregational society were Ole Sampson, Helge Mathiason, Peter Nilson, Aslak Iverson and Lars Olson Fannestol, and his parish included the entire country west of the Big Sioux and east of the James River. Reverend Krohn baptized a large number of children and held services throughout the field during the winter, but returned to Chicago in the spring of 1865. Another visit was made by him after harvest, when he held divine services at the home of Hon. Torger Nelson near Mission Hill, who had taken land there the year before. The first settled pastor was the Rev. Emil Christenson, of St. Louis, who came up in 1867 in answer to a call that had been given him by a body of Lutherans who had held a meeting in February of that year at Syvert Myron's residence. Mr. Christenson divided his large and widely scattered congregation into three districts, named Brule Creek, Bergen and Vangen. The Vangen district included Mission Hill, and here the first Lutheran Church edifice was erected in 1869, and the Bergen Church a year later. These were the first Lutheran churches in the territory. Mr. Christenson proved to be an industrious, as well as an able clergyman, and in addition to attending thoroughly to his own field, he laid the foundations for the churches in Lincoln, Minnehaha, Moody and Brookings counties, and when the Black Hills emigration aroused the country in 1876 he felt that he could do better or more profitable work in that and other mountainous countries then being occupied, and much to the regret of his people, resigned and removed. He finally settled in Washington and Oregon, doing valiant work in the Master's service.



First Public School of Yankton

First house in Yankton, northeast corner
of Third and Walnut streets

Adelphi Hotel, Vermillion, in 1870

Two views of Broadway in Yankton, Capital of Dakota, 1867

EARLY SCENES IN YANKTON AND VERMILLION

The first Norwegian Evangelical Lutheran Church edifice in the Territory of Dakota was built in Yankton County about two miles east of the modern and sightly Village of Mission Hill. The time of its erection was 1869-70. For ten years prior to this date, or since 1859, the Norwegians of Yankton and Clay counties who resided on the Missouri bottom had held religious services at the private homes of the farmers, and as early as 1861 a young clergyman named Abraham Jacobson, of their denomination, came out from Iowa and lived for a time in the settlements, preaching and baptizing. Among the very earliest Norwegian settlers in that section were Halvor Swenson and Ole Oleson, Sr., who became the father of the first white child born under the Dakota sky after the Yankton treaty and cession in 1859. Hans Myron, a young lad, came with these people, who arrived in midsummer, 1859. A week or two later Syvert H. Myron, the father of young Hans, arrived and took up a claim about midway between the Vermillion and James rivers. The following spring (1860) a colony of Norwegians, led by Ole Sampson, crossed the Missouri River from near St. Helena, Nebraska, and formed the Lake Settlement, which is near and possibly partly within the thriving City of Gayville. With Mr. Sampson were Ole Botolfson, Aslak Iverson and John Alseth. A large number of Norwegian settlers came in during the years 1862-63-64. Torger Nelson made the first settlement on the highland north of the James River ferry in 1864, and it was in this year that efforts were first made to organize for the building of a Lutheran Church edifice. A minister from Chicago, Rev. J. Krohn, was sent out in the fall and remained a short time, baptizing forty-five children at one service near Vermillion. On October 8, 1864, a meeting was held at the home of Anders Ulven, near Vermillion, and the "Norwegian Evangelical Lutheran Congregation of Dakota Territory" was organized and the following elected trustees: Helge Mathiason, Aslak Iverson, Ole Sampson, Peter Nilson and Lars Oleson Fanestol. This organization included about all the country embraced in the Missouri bottom from the Big Sioux to James River. In 1865 Reverend Krohn, who had returned to Chicago, came out again and held services at the home of Torger Nelson in Yankton County. In 1866 a minister was called, the Rev. Emil Christensen, of St. Louis. He came up in August, 1867, and went at his work with great energy and intelligence. The congregation grew and prospered, and soon became so large as to be unwieldy. It was then divided into Vaughn, Clay Creek, Lodi, Brule Creek and Bergen. Brule Creek soon formed an independent church. The Vaughn district embraced eastern Yankton County and in 1870 erected a church edifice east of Mission Hill at a considerable cost, the building material having to be hauled by wagon from Yankton and Sioux City. Rev. Mr. Christensen remained the pastor until 1876, and built up a strong and permanent congregation, extending his labors into other sections of the territory. In the year named he accepted a call as missionary to the Pacific coast, and removed to Washington or Oregon.

Capt. Nelson Miner opened the Dakota House in Vermillion in the spring of 1861, but a few months later entered the service of the United States as captain of Company A, Dakota Cavalry.

Franklin Taylor, who up to a few years ago was the only survivor of the handful of earliest pioneers that occupied what is now Clay County, is a native southerner, having been born in North Carolina, August 3, 1827. He is still living on his pioneer claim near Vermillion which he has entitled "Wayside Farm." Mr. Taylor was the first register of deeds of Clay County, and a member of the Territorial Legislatures of 1863-64, 1865-66, and again in 1874-75. He had always been an old-time democrat, popular with all classes, and an exemplary and useful citizen.

Vermillion was the Second Council District under the governor's proclamation of 1861 and elected John W. Boyle and H. D. Betts to the Council. The vote stood: Boyle, 30; Betts, 34; Nelson Miner, 25; Miles Hall, 12.

Vermillion also constituted the Fourth Representative District, electing Lyman Burgess and A. W. Puett representatives. The vote stood: Burgess, 44; Puett, 32; Hans Gunderson, 24.

West Vermillion was a separate political division, being the Third Council and the Fifth Representative districts. Jacob Deuel was the only candidate for the Council, and received 43 votes. For the House of Representatives, Jacob A. Jacobson received 41 votes; Bligh E. Wood, 27; Christian Lawson, 12; and Ole Bottolfson, 4.

The following letter from a well-known gentleman of Madison, this state, will explain conditions at Yankton and vicinity in the summer of 1858:

Madison, S. D., June 17, 1905.

Hon. George W. Kingsbury, Yankton, S. D.

Dear Sir—Your kind letter of the 3rd inst. has been lying on my desk since its receipt, while I have been hoping to find time to dust off my memory and bring to view some of the events connected with my early trip to Dakota. It was a sort of a "wild goose chase" anyway. I was but a green boy, having only one year before come from my father's home in New Hampshire to seek my fortune in the then almost unknown "out West." The opening of the Territory of Dakota for settlement was expected early in 1858, and in company with two young men, I. Todd and F. Joss, on the 5th of May, 1858, we took passage on the Minnesota Bell, at Red Wing, Minn., bound for St. Louis. At St. Louis we found the American Fur Company's boat Spread Eagle nearly ready to start on her annual trip for Fort Benton. We took passage on her to Sioux City, starting out on the 15th of May. Among the passengers was one Charles Chouteau (don't know as that is spelled right), of the fur company, Charles Picotte, well known later in Yankton, and eight or ten Indians, among whom was Mad Bull and Strike the Ree, if I remember correctly, also a Frenchman, Boyer (or Brughier), who had a shack near the mouth of the Big Sioux and I think owned considerable land in and near Sioux City. [The Indians were returning from a treaty-making embassy, having been to Washington and treated for the sale of the Yankton Indian lands in the new Territory of Dakota that was not then organized.] We were on the river between St. Louis and Sioux City nine days, a tedious trip with a mixed cargo. Sometimes we would make headway up stream, sometimes stick for hours on a sand bar and usually tied up at night. This was the regular program with but little variation, except as would sometimes occur a flow of too much whiskey in the cabin, a flash of diamonds and the shuffle of the gambler's cards. The towns along the river from St. Louis up gave little promise of what they are today. Kansas City seems only a few straggling maver huts; Omaha with its white "State House" on the hill was considered the "castle in Spain" of some crack brained enthusiast. Our party left the boat at Sioux City where we found some two or three hundred people, two hotels, a city with a New Hampshire Yankee, Colonel Means, its mayor. After spending several days around the city, strolling along the bluffs of the Big Sioux overlooking the promised land of the Dakotas, we decided to still go west, bought a pack mule, crossed the Big Muddy and took the trail up the western bank of the river. We passed the town site of Logan (since washed away, I think), St. Johns, Ponca, and made a stop of several weeks at St. James, in Cedar County, Nebraska. From this point we took observations of the situation, making several trips across the river to the Dakota side, and waited impatiently for the country to be opened for settlers.

On July 6th we went up the river to what the boys called "Strike the Ree's Camp" on the river, just opposite Yankton. Here we found several white men who had claims in view around the Yankton town site and who were waiting as we were for a chance to squat on the land. We crossed the river in a dugout and stayed that night in a log house, the only building in Yankton. The next day we strolled over the hills nearest the log house and ventured to cross the Jim to some Indian tepees where we found dogs and squaws, the latter busy drying buffalo meat. The only unexplained thing we discovered on this trip was a pole stuck in the ground on the ridge between the town and the Jim with a little sack of tobacco suspended from it. What this meant I never knew.

I think there were some twenty men at this time interested in claims at Yankton, but I am unable to give any names. It was not thought quite safe to remain on the Dakota side of the river, but these boys with their big cottonwood dugout for a ferry were anxiously waiting for Uncle Sam to give them permission to add another state to the Union. I know nothing of the history of any of these boys, but I hope you will be able to bring some of it to light. That they were of good stuff goes without saying, but I doubt much if their reward was commensurate to their risk and privations endured.

When it became generally known that the country would not be opened for settlement, our party concluded to return to Minnesota. We bought four oxen, a covered wagon, and made our return trip overland to Red Wing, travelling nineteen days, passing through the counties of Woodbury, Cherokee, Clay, Dickinson, where we visited the scene of the Spirit Lake massacre, which occurred in February, 1857. Thence we went through Brown, Fairbault, Waseca, Steele, Rice and Goodhue counties, some days swimming our oxen, and



BAPTIST CHURCH AND OLD LOG SCHOOLHOUSE, VERMILION, 1900

floating our prairie schooner across the swollen streams not less than three times and going to camp at night without a dry thread to our backs.

This was my second year's experience out West and it seemed to work no bad results, but, friend Kingsbury, you and I were younger in 1858 than we are now.

Yours truly,

H. P. SMITH.

In August, 1858, Joseph R. Hanson, Horace T. Bailey, John Patterson, Kerwin Wilson, and Henry and Myron Balcom reached a point opposite Yankton called Green Island. They had come from Minnesota looking for a location, and learning of the opening of the Dakota country, had resolved to get in early and secure favorable locations. As the treaty was not in effect when they reached Green Island, not having been ratified by the Senate, the Hanson party was not permitted to locate on the Dakota side of the Missouri, and remained in Nebraska, where some of the men took up land. They visited the whites on the Yankton side occasionally and found the two cabins of Holman and Frost, Todd & Co., which were the only structures on the townsite.

Some time in September the Indians made a second attack on Holman's cabin and tore it down while he and his men were across the river, and the following day a detachment of troops from Fort Randall, under Major Lovell, reached the place, intending to destroy the structure, having been so ordered by the war department. Lovell ordered Holman and his men to leave the territory, it being an Indian country. Holman made no resistance, but withdrew with his men to Nebraska, and shortly after abandoned the projected settlement, returned to Sergeant Bluffs, going out to Pike's Peak gold fields a year later.

The Hanson party made no attempt to settle in Dakota during 1858, but remained at Green Island with Saby Strahm, and provisions being limited, subsisted through the following winter on Mr. Strahm's corn and potatoes and Missouri River catfish.

In the early years the frontiers were infested by small bands of roving Indians, whose principal purpose was the purloining of horses and cattle from the settlers. The Nebraska settlers opposite Yankton were obliged to keep a continuous watch and guard over their oxen and horses to prevent them from being run off by some one of the pillaging bands who would resort to violent and deadly measures only as a last resort. In Hanson's Nebraska party was a man named Hank Balcom, who had exhausted all of his resources in getting to Green Island and who had worn his only suit of clothes until it was a mass of strings and ribbons, veritably threadbare. He had but one good eye and the sightless ball of the other was a frightful object; it was usually open, giving to his face an unnatural and very forbidding appearance. Around his waist he wore a rope for the purpose of confining the strings and ribbons into which his raiment had been worn. His hair was black and very long and had been a stranger for months to comb and brush. His head was surmounted by a slouch hat that had parted company with its crown, and a portion of his long hair protruded through the opening and lent a frightful feature to the man in perfect harmony with his other apparel. Taken as an entirety he was a person that a law-abiding citizen would not care to meet in an uninhabited country. He was abroad one day and wandered into a patch of wild rose bushes, where he gathered and ate the wild rosebuds. These were very palatable and at the same time served to eke out the very narrow rations to which the party had become reduced. As he stepped out of the patch of bushes into the narrow trail that led up on the highland bordering Green Island he confronted a band of mounted Indians, ten or twelve in number, who had come in on a depredating excursion. Balcom was terribly surprised, but his surprise was nothing compared to the terror which suddenly seized upon the Indians, who looked upon him as an unearthly being, and the chief, who was in the lead on the trail, agitated and terror-stricken, gave vent to his alarm in a loud "Whoof," wheeled his horse and fled at a racing gallop back along the trail, followed by the band, who kept up their rapid pace until lost to view. Balcom returned to the cabin and

related the incident, which satisfied his companions that he could be of valuable service in affording protection from these thieving marauders. These terrified redmen never visited Green Island again during the stay of the Hanson colony, and spread a report among the Indians that the place was haunted by the evil spirit; that they had seen him and described to their superstitious hearers the weird and awful appearance of this frightful incarnation.

In October, 1858, Enos Stutsman, of Sioux City, the first lawyer, Frank Chapel, also of Sioux City, and J. S. Presho, of New York, reached Strike the Rees camp. Stutsman and Chapel were connected with the Upper Missouri Land Company as directors, and Presho was an employe of the traders; David Fisher, a blacksmith, and the first of that craft, also came in and opened a shop, also Lytle M. Griffith, the first carpenter, equal to the best that have followed him even to the present day. Frost, Todd & Co. had selected their 160-acre trading post tract fronting on the river and adjoining Picotte on the west, and this became the original townsite of Yankton. At this time 1858, October, James M. Stone selected his claim adjoining Picotte on the east and David Fisher squatted on a quarter north of Stone's. Presho, Stutsman, and Griffith took claims west of the townsite and adjoining it. There was a feeling amounting to certainty, that the Senate would ratify the treaty at the approaching session of Congress and then the lands would be thrown open to settlement and pre-emption. These early claim takers understood that the selection of claims gave them no legal right to the land, and in order to secure possession until the ratification of the treaty, they banded together as "squatters," calling their organization the "Yankton Claim Club," and mutually agreed to protect the members from claim jumpers. Mr. Stone's claim is now the "Stone farm" and the State Fair Grounds were located on one of the subdivisions of the Fisher claim. Stutman's claim was afterwards platted as an addition to the city and called "West Yankton." Hanson had also selected a claim south of Stone's which he occupied in 1859 after the ratification of the treaty.

In November, 1858, a party of business men made a trip from Sioux City to Smutty Bear's camp, inviting a young Sioux City lad named Marcus M. Parmer, to accompany them. Mark was then twelve years old and fond of novelty and exciting adventure, and he accepted the invitation. The business gentlemen were partners of the firm of Frost, Todd & Co., named Edward Atkinson and Lewis H. Kennerly. The party had its own conveyance and as game was plentiful, they took along their guns and a liberal supply of ammunition. They left Sioux City early in the morning and were ferried across the Big Sioux River by Paul Pacquette, proprietor of the famous Pacquette Ferry which figured liberally in the annals of early Dakota. Paul was a French Canadian and a popular man. On the 14th of September previous he had been married to Miss Roselle Sanguemette at the residence of the bride's parents on the Big Sioux, Judge John P. Allison, a Sioux City justice, performing the ceremony. Paul was in the midst of his honeymoon, when young Parmer and party came up, but he gave prompt attention to his business.

Herd of buffalo and antelope grazed and fattened on the nutritious prairie grasses of the Dakota plains; mink and beaver abounded along the streams and furnished profitable employment to scores of whites, French Canadians mostly, who had intermarried with the Yanktons; while water fowl literally swarmed in the lakes, sloughs and streams during the season of fall and spring. This was truly a hunter's paradise. The Sioux City party of which young Parmer was a delighted and enthusiastic member, drove along the military trail made by the freighters carrying supplies to Fort Randall, stopping now and then to test the accuracy of their marksmanship on the wild fowl which were abundant, and to quench their thirst at the little watering places which the Government expeditions had dug along the way. The party reached the east bank of the Vermillion River near the present bridge about nightfall, where they were hospitably entertained by a young man named Henry Kennerly, a brother of one of the party of

traders. Kennerly had for companions at that time Arthur C. Van Meter and Van's Indian wife. They occupied a small new cabin, designed for a trading post for Frost, Todd & Co. Young Farmer mentions that they had passed three or four cabins during the day but he does not recall that there was any sign of habitation at the point where the old City of Vermillion was built a year later and was washed away during the flood of '81.

The following morning the party was ferried across the Vermillion in a flat boat, and reached Jim River about 11 o'clock without seeing a vestige of human habitation. On the east bank of the Jim they came upon the ferry house occupied by James M. Stone. This ferry house was situated very near the present wagon bridge. Stone ferried the party across and they drove on to the proposed new townsite reaching there about noon, and dined at the trading post with Mr. Fiske. This was a large double cabin and Farmer thinks there were two other cabins in the same vicinity. There were about one thousand five hundred or two thousand Indians camped on the banks of the Missouri, overlooking the river at the time of this visit. After dinner the party drove up the Smutty Bear Valley about a mile and a half to Major Lyman's cabin where they had supper, remained over night with Lyman and started on their return to Sioux City after breakfast the next day. Flour was selling at 10 cents a pound at that time, purchasable at the trading post.

In the fall of 1858 a party of Sioux City hunters made up of John Currier, William Treadway, Martin Nelson, Isaac Reynolds, Silas Marr, Robert Williams, James Buchanan and Louis Kennerly came out with a complete hunting and camping outfit and went over on the James River to hunt buffalo, which were very abundant. Their hunting grounds lay in the vicinity of Walshtown and from there east to the Vermillion. They found hundreds of buffalo besides antelope, grazing on the prairies, and enjoyed a royal hunt for three days. Every man in the party slew his buffalo, most of them took several, and returned to Sioux City burdened with hides and choice cuts of buffalo meat. The hides were tanned and each member of the party had a coat and a robe made for his own use.

BIG SIOUX AND ELK POINT SETTLEMENT

On the 12th day of October, 1835, Theophile Brughier left his home in Canada, and on the 14th of the same month he left Montreal for St. Louis. He arrived in St. Louis on the 15th of November, and on the 19th set out for Old Fort Pierre, where he arrived on the 13th of January, 1836. He lived with the Indians in the vicinity of Old Fort Pierre for nearly fourteen years; married a Dakota woman of the family of a chief, and came down the Missouri and located near the mouth of the Big Sioux River on the Iowa side, on the 15th of May, 1849. Mr. Brughier received his first contract from the Government in 1855, for furnishing supplies to the Sioux, and was also granted a license to trade with the Indians on the Missouri at the mouth of the Big Sioux. Thereafter he conducted a very profitable mercantile and freight carrying enterprise which in the course of time brought him a large fortune.

A settlement comprising a number of families of white men who had married into the Yankton tribe had been made at Big Sioux Point on the Dakota side of the river about the time of Brughier's coming to that vicinity where he established his trading house. John McBride and Christopher Maloney, who became members of the first Legislature, belonged to this settlement. Also James Somers, Antoine Fleury, Adolph Mason, Robear Primeaup, Archie and Gustav Christy and Joseph La Plant. La Plant claimed to have settled there in 1849 and was regarded as the first white settler in Cole or Union County.

Paul Paquette located in the Big Sioux River in 1854, and operated a Rope Ferry on the Sioux City and Fort Randall Wagon Road in 1856 and later, near where the present wagon bridge is located. Paquette resided on the Iowa side. It is probable that the ferry enterprise grew out of the demand for improved crossing facilities created by the establishment of Fort Randall. Austin Cole is credited

noted with having been one of the first white settlers. He was a resident of Sioux City in 1857, but was frequently at Paquette's Ferry, and no doubt had his land selected and occupied soon after the ratification of the treaty, as he himself claimed in 1859. The county was first named Cole County, and he represented that district in the first and second Legislative Council. Colonel Carson had a ranch on the west bank of the Sioux as early as February, 1859, and a Frechman named Lefleur lived with him. Eli B. Wixson, of Sioux City, came into the county July 22, 1859, and selected land and built a commodious log cabin at a place which he named Elk Point, where he opened and kept the first hotel and traded with the Indians who were trapping on the Big Sioux and tributaries.

Explaining why he came to select that location and how it came to be named Elk Point, Mr. Wixson relates:

In the spring of 1856-57 we had very high water. From a point northwest of Sioux City, on the bluff, one could behold a vast body of water covering nearly all the land in sight on the Dakota side of the Big Sioux. When the water subsided my brother, the doctor, and myself, with a third party, made a prospecting trip through the land that had been submerged, and we discovered that the locality where Elk Point is located had passed through the flood and remained above water. This, and the distance from Sioux City, were strong arguments in favor of locating here. The name of the place was given by the Indians long before the whites came in, and was derived from the fact that it was a runway for elk between two points of timber, one on the Sioux and the other on the Missouri.

SPECIAL INDIAN AGENTS—WHITE TRESPASSERS

Alexander H. Redfield, of Detroit, Michigan, was appointed United States agent for the Upper Missouri Indians in 1857. The Dakota Indians had no agencies at that time and were accustomed to meet the agent, who traveled by steamboat at some designated point on the river and receive the gifts and annuities sent to them by the "Great Father." There were a number of places on the river where the Indians would gather for this purpose. Yankton was one such point and Fort Pierre was one, and there were others beyond Pierre, extending all the way to Yankton. There were also some annuities paid under the Leavenworth and Harney treaties. Such a distribution was made at Yankton during the summer of '57 and the fall of '58 when there were assembled here about six hundred lodges, estimated to average three persons to a lodge. These were the Indians seen by young Farmer.

Quite a number of emigrants came in 1858, some with prairie schooners and a good outfit of household goods, farm implements and domestic animals, and others came afoot, just a good pair of stout legs supporting a healthy body. New cabins began to dot the bottom lands here and there from the Big Sioux to Emanuel Creek. The Indians viewed this trespass with much disfavor and the licensed traders were also displeased; but for a time there was nothing done beyond a mild protest and a notice given to the intruders that they were trespassing and would not be permitted to remain. These mild remonstrances were not sufficient to stop the encroachments, nor cause any abandonment by those who had made settlements, and finally resort was had to an appeal to the Government representing that the evil had grown to such proportions that there was imminent danger of a bloody collision between the new comers and the Indians. The result was that the military authorities at Fort Randall received orders to eject all settlers who were in the territory without legal authority and cause the destruction of their improvements. The exceptions included only the persons in the employ of Frost, Todd & Company, licensed traders, and the cabins built for this firm, and the whites connected with the Indians by marriage. Agent Redfield was deputized to accompany the troops and point out the trespassers and their illicit improvements. Late in August, 1858, Captain Lovell, with his command, consisting of Company I, second regular infantry, started out from Fort Randall and began the work of destruction and ejection. Near Bon Homme a large family named Young was found housed in a new cabin. They were driven out and compelled

to cross the river into Nebraska, while the soldiers put the torch to the cabin. The logs being green refused to burn, and they were torn down and plunged into the river and left to float down stream. The people who were driven out were highly indignant. There were two families and the female members were with some difficulty restrained from pelting the soldiers with cobble stones. They upbraided the Government for permitting the outrage, stigmatizing it as a hypocritical fraud for preventing the white people from occupying a country that the Indians didn't need, and didn't use and didn't know enough to use. The soldiers, notwithstanding, continued their desolating march down stream. At Yankton they found that the Indians had preceded them in the destruction of one or two cabins which had been burned the day previous to their arrival. One of these was Holman's. The troops went on to the Vermillion Valley where the agent dismissed them, having extirpated every vestige of the habitations of the new comers and driven them out of the country. They were not numerous, however. Mr. Henry Bradley, late of Yankton County, was one of the young soldiers in Lovell's command.

The Yankton Treaty of Cession was not ratified until February, 1859, but its provisions would seem to be of service in understanding the movements of parties and conditions in 1858, and as it had already been made and was ratified without change, it is here given in full:

THE YANKTON TREATY

Treaty with the Yankton Sioux Indians made on the 19th day of April, A. D. 1858.

Ratified by the U. S. Senate February 17th, 1859.

Articles of Agreement and Convention made and concluded at the City of Washington this 19th day of April, A. D. One thousand eight hundred and fifty-eight, by Charles E. Mix, Commissioner on the part of the United States and the following named Chiefs and Delegates of the Yankton Tribe of Sioux or Dakota Indians, Viz:

Article I. The said chiefs and delegates of the said Tribe of Indians do hereby cede and relinquish to the United States all the lands now owned, possessed or claimed by them, wherever situated, except four hundred thousand acres thereof, situated and described as follows, to-wit: Beginning at the mouth of the Naw-izi-wa-koo-pah or Choteau River, and extending up the Missouri River thirty miles, then due north to a point ————?,¹ thence easterly to a point on said Choteau River, thence down said river to the place of beginning; so as to include the said quantity of four hundred thousand acres. They also hereby relinquish and abandon all claims or complaints about or growing out of any and all treaties heretofore made by them to other Indians, except their annuity rights under the Treaty of Laramie, of September 17, A. D. 1857.

Article II. The land so ceded and relinquished by said chiefs and delegates of the said Tribes of Yanktons, is and shall be known and described as follows, to-wit: Beginning at the mouth of the Te-han-kas-an-da-ta or Calumet or Big Sioux River; thence up the Missouri River to the mouth of the Pa-hah-wa-kah or East Medicine Knoll River; thence up said river to its head; thence in a direction to the head of the main fork of the Wadush-kah-for or Snake River; thence down said river to its junction with the Tchau-sau-sau or Jaques or James River; thence in a direct line to the northern line of Lake Kampeska; thence along the northern shore of said lake and its outlet to the junction of said outlet with the said Big Sioux River; thence down said Big Sioux River to its junction with the Missouri River. And they also cede to the United States all their right and title to and in all the islands in the Missouri River from the mouth of the Big Sioux River to the mouth of the said Medicine Knoll River. The said chiefs and delegates hereby stipulate and agree that all the lands within the said limits are their own, and that they have full and exclusive right to cede and relinquish the same to the United States.

Article III. The said chiefs and delegates hereby further stipulate and agree that the United States may construct and use such roads as hereafter may be necessary across their said reservation by the consent and permission of the Secretary of the Interior, and by

¹ This "point" was about eighteen miles "due north" from the starting point on the Missouri River but does not appear to have been marked. There is no natural object near that would define it and presumably the blank was left and reliance placed on the concluding words "so as to include 400,000 acres."

The reader will note that the next direction was southeasterly to Choteau Creek. The selection was probably defined after the treaty was ratified, for the Indians did not know positively that they would make the treaty when they went to Washington, where the treaty was drawn.

first paying the said Indians all damages, and the fair value shall be ascertained and determined as the said Secretary of the Interior may direct. And the said Yanktons hereby agree to remove and settle and reside on said reservation within one year from this date, and until they do remove (if within said year), the United States guarantees them in the quiet and undisturbed possession of their present settlements.

Article IV. In consideration of the foregoing cession, relinquishment and agreement, the United States do hereby agree and stipulate as follows, to-wit: First. To protect the said Yanktons in the quiet and peaceable possession of the said tract of 400,000 acres of land, so reserved for their future homes, and also their persons thereon during good behavior on their part. Second. To pay for them or expend for their benefit, the sum of \$65,000 per annum for the period of ten years, commencing with the year in which they shall remove to and settle and reside upon their said reservation; \$40,000 per annum for and during ten years thereafter; \$25,000 per annum for and during ten years thereafter; and \$15,000 per annum for and during twenty years thereafter; making one million six hundred thousand dollars in annuities in the period of fifty years, of which sum the President of the United States shall, from time to time, determine what proportion shall be paid to said Indians in cash, and what portion shall be expended for their benefit, and also in what manner and for what objects, such expenditures shall be paid, due regard being had in making such determination to the best interests of said Indians. He shall likewise exercise the power to make such provision out of such sum as he may deem to be necessary and proper for the support and comfort of the aged or infirm, and helpless orphans, of the said Indians. In case of any material decrease of the said Indians in number, the said amounts may, in the discretion of the President of the United States, be reduced and diminished in proportion thereto, or they may, in the discretion of the President of the United States, be discontinued entirely, should said Indians fail to make reasonable and satisfactory effort to advance and improve their condition, in which case, such other provision shall be made for them as the President and Congress may judge to be suitable and proper. Third. In addition to the foregoing sum of one million and six hundred thousand dollars, as annuities, to be paid to, or expended for the benefit of said Indians, during the period of fifty years, as before stated, the United States hereby stipulate and agree to expend for their benefit, the sum of fifty thousand dollars more, to-wit: \$25,000 in maintaining and subsisting the said Indians during the first year after their removal to and permanent settlement upon their said reservation, in the purchase of stock, agricultural implements, or other implements of a beneficial character, and in breaking up and fencing land, in the erection of houses, store houses or other needful buildings, or in making such other improvements as may be necessary for their comfort and welfare. Fourth. To expend ten thousand dollars to build a school house, or school houses, and to establish and maintain one or more Normal labor schools (as far as the sum will go) for the education and training of the children of said Indians in letters, agriculture and mechanic arts, and house-wifery, which school or schools shall be managed and conducted in such manner as the Secretary of the Interior shall direct. The said Indians merely stipulating to keep constantly thereat, during at least nine months of the year, all the children between the ages of seven and eighteen years; and if any of the parents or those having the care of children, shall refuse to send them to school, such parts of their annuities as the Secretary of the Interior may direct shall be withheld from them and applied as he may deem just and proper. And such further sum in addition to the said ten thousand dollars, as shall be deemed necessary and proper by the President of the United States, shall be reserved and taken from their said annuities and applied annually, during the pleasure of the President, to the support of said schools and to furnish said Indians with assistance and aid and instruction in agricultural and mechanical pursuits, including the working of the mills hereafter mentioned, as the Secretary of the Interior may consider necessary and advantageous for said Indians; and all instruction in reading shall be in the English language. And the said Indians hereby stipulate to furnish, from amongst themselves, the number of young men that may be required as apprentices in the mills and in the mechanics shops, and at least three persons to work constantly with each white laborer, employed for them in agricultural and mechanical pursuits, it being understood that such white laborers and assistants as may be so employed, are thus employed more for the instruction of the said scholars, than merely to work for their benefit; and that the laborers so to be furnished by the said Indians may be allowed a fair and just compensation for their services, and to be paid out of the shares of annuity of such Indians as are able to work, but refuse to do so. And whenever the President of the United States shall become satisfied of a failure on the part of the said Indians to fulfill the aforesaid stipulation, he may at his discretion, discontinue the allowance and expenditure so provided and set aside for said scholar or schools, and said assistance and instruction. Fifth. To provide the said Indians with a mill suitable for grinding grain and sawing timber, one or more mechanics shops with the necessary tools for the same, and dwellings houses for an interpreter, miller, engineer for the mill (if one is necessary), a farmer and the mechanics that may be employed for their benefit, and to expend therefor a sum not exceeding \$15,000.

Article V. Said Indians further stipulate and bind themselves to prevent any of the members of their tribe from destroying or injuring any of the said houses, shops, mills, machinery, stock, farming utensils, or any other thing furnished them by the Government, and in case of any such destruction or injury of any of the things so furnished, or their



JUDSON LA MOURE
Pioneer of Union County, 1860. Leg-
islator from Pembina County later



C. T. HOLMAN, 1878
Built first cabin at Yankton

being carried off by any member or members of the tribe, the value of the same shall be deducted from their general annuity; and whenever the Secretary of the Interior shall be satisfied that said Indians have become sufficiently confirmed in habits of industry, and advanced in the acquisition of a practical knowledge of agriculture and the mechanic arts to provide for themselves, he may at his discretion cause to be turned over to them all of the said houses and other property furnished them by the United States, and dispense with the services of any or all of the persons hereinbefore stipulated to be employed for their benefit, assistance and instruction.

Article VI. It is hereby agreed and understood that the chiefs and head men of the tribe may, in their discretion, in open council, authorize to be paid out of their said annuities, such sum or sums as may be found necessary or proper, not exceeding in the aggregate \$150,000, to satisfy their just debts and obligations, and to provide for such of their half breed relations as do not live with them, or draw any part of said annuities of said Indians; Provided, however, that their said determination shall be approved by their agent for the time being and the said payments be authorized by the Secretary of the Interior; Provided also, That there shall not be so paid out of their said annuities, in any one year, a sum exceeding \$15,000.

Article VII. On account of their valuable services and liberality to the Yanktons, there shall be granted in fee to Charles F. Picotte and Zephyr Rencoutre, each, one section of 640 acres of land, and to Paul Doram one half a section, and to the half breed Yankton wife of Charles Renlo and her two sisters, the wives of Eli Bedard and Augustus Travers, and to Louis Le Count, each, one half a section. The said grants shall be selected in said ceded territory, and shall not be within said reservation, nor shall they interfere in any way with the improvements of such persons as are on the lands ceded above by authority of law, and all other persons (other than Indians of mixed blood), who are now residing within said ceded country by authority of law, shall have the privilege of entering 160 acres thereof, to include each of their residences and improvements, at the rate of \$1.25 per acre.

Article VIII. The said Yankton Indians shall be secured in the free and uninterrupted use of the Red Pipestone Quarry, or so much thereof as they have been accustomed to frequent and use for the purpose of procuring stone for pipes; and the United States hereby stipulate and agree to cause to be surveyed and marked, so much thereof as shall be considered necessary and proper for that purpose, and retain the same and keep it open and free to the Indians to visit and procure stone for pipes so long as they shall desire.

Article IX. The United States shall have the right to establish and maintain such military posts, roads and Indian agencies as may be deemed necessary within the tract of country herein reserved for the use of the Yanktons. But no greater quantity of land or timber shall be used for such purposes than shall be actually requisite; and if in the establishment or maintenance of such posts, roads and agencies, the property of the Yanktons shall be taken in, injured or destroyed, just and adequate compensation shall be made therefor by the United States.

Article X. No white person unless in the employment of the United States, or duly licensed to trade with the Yanktons, or members of the families of such persons, shall be permitted to reside or make any settlement on any part of the tract herein reserved for said Indians, nor shall said Indians alienate or in any manner dispose of any portion thereof, except to the United States; whenever the Secretary of the Interior shall direct, said tract shall be surveyed and divided as he shall think proper among said Indians, so as to give to each head of a family or single person, a separate farm with such rights of possession or transfer to any other member of the tribe or of descent to their heirs and representatives, as he may deem just.

Article XI. The Yanktons acknowledge their dependence upon the Government of the United States, and do hereby pledge and bind themselves to preserve friendly relations with the citizens thereof, and to commit no injuries or depredations on their persons or property, nor on those of any other tribe or nation of Indians; and in case of any such injuries or depredations by said Indians (Yanktons), full compensation shall as far as possible be made thereof out of their tribal annuities, the amount in all cases to be determined by the Secretary of the Interior. They further pledge themselves not to engage in hostilities with any other tribe or nation, unless in self defense, but to submit, through their agent, all matters of dispute and difficulty between themselves and other Indians for the decision of the President of the United States, and to acquiesce in and abide thereby. They also agree to deliver to the proper officer of the United States all offenders against the treaties, laws or regulations of the United States, and to assist in discovering, pursuing and capturing, all such offenders as may be within the limits of their reservation, whenever required to do so by such officer.

Article XII. To aid in preventing the evils of intemperance, it is hereby stipulated that if any of the Yanktons shall drink, or procure for others, intoxicating liquors, their annuity of the tribal annuities shall be withheld from them for at least one year; and for a violation of any of the stipulations of this agreement on the part of the Yanktons, they shall be liable to have their annuities withheld, in whole or in part, and for such length of time as the President of the United States shall direct.

Article XIII. No part of the annuities of the Yanktons shall be taken in payment of the debts, claims or demands against them, except such existing claims and demands as shall

herein provided for, and such as may arise under this agreement, or under the trade or intercourse laws of the United States.

Article XIV. The said Yanktons do hereby fully acquit and release the United States from all demands against them on the part of said tribe, or any individual thereof, except the before mentioned right of the Yanktons to receive an annuity under said Treaty of Laramie, and except also, such as are herein stipulated and provided for.

Article XV. For the especial benefit of the Yanktons, parties to this agreement, the United States agrees to appoint an agent for them who shall reside on their said reservation, and shall have set apart for his sole use and occupation, at such point as the Secretary of the Interior may direct, 160 acres of land.

Article XVI. All the expenses of the making of this agreement, and of surveying the said Yankton Reservation, and of surveying and marking the said Pipestone Quarry, shall be paid by the United States.

Article XVII. This instrument shall take effect and be obligatory on the contracting parties whenever ratified by the Senate and the President of the United States.

In testimony whereof the said Charles E. Mix, Commissioner, as aforesaid, and the undersigned Chiefs, Delegates and Representatives of the said Tribe of Yankton Indians, have hereunto set their hands and seals at the place and on the day first above written.

CHARLES E. MIX,
Commissioner for the United States.

Pa-la-ne-a-pa-pe—The Man That Was Struck By The Ree.

Ma-to-sa-be-che-a—The Smutty Bear.

Eta-Ke-Cha—Charles F. Picotte.

Ta-ton-ka-weti-co—The Crazy Bull.

Pse-cha-wa-ke-a—The Iron Horn.

Nom-be-kah-pah—One That Knocks Down Two.

Ta-ton-ka-ma-ne—The Fast Bull.

A-ha-ka-ma-ne—The Walking Elk.

A-ha-ka-na-che—The Standing Elk.

A-ha-ka-ho-che-cha—The Elk With The Bad Voice.

Cha-ton-wo-ka-pa—The Grabbing Hawk.

E-ha-we-cha-sha—The Owl Man.

Pla-son-wa-kau-na—The White Medicine Cow That Stands.

Ma-ga-scha-che-ka—The Little White Sioux.

Oke-che-la-wash-ta—The Pretty Boy.

(The last three names signed by their duly authorized agent and representative, Charles F. Picotte, they being thereby duly authorized and empowered by said Tribe of Indians.)

This treaty was ratified by the Senate in February, 1859, and became the law of the land. And while this general fact became well known in the new West, few of the people understood the provisions of the agreement, but believed the ratification was conclusive as opening the ceded portion to settlement, and a number of new settlers came into the territory early in that year and squatted here and there near the timber tracts and began putting up their log structures. Major Redfield, the new agent of the Yanktons, was given as authority that the treaty was in effect and the country open to settlement. On the other hand the clause in the treaty giving the Indians one year in which to remove to their reservation was interpreted by them as continuing their control of the land for one year after the ratification, and led the Indians to oppose very earnestly the incoming and settlement of the whites. A great deal of ill feeling was engendered early in the year 1859 between the Indians and the new comers, and in some instances the red men took the liberty of demolishing the improvements of the whites, threatening them with more serious injury if they did not cease their trespass; and but for Picotte's friendly offices they might have resorted to forcible means to get rid of those whom they regarded as unlawfully intruding upon their domain. It would seem from this clause in the treaty that the intention was to give the Indians ample time to collect their effects and remove to their new home, but that they were no longer to exercise any authority to restrain the settlement or prevent the improvement of the country. Fortunately no scalps were taken and as the Indians practically withdrew in July when their first agent came to them and brought the first installment of their annuities, the one year claim ceased to be a bone of contention, and although hundreds of the Indians returned to their favorite camps on the James and Vermillion rivers, and remained during the suc-



Top row, left to right: Mesheme Cow, Charles Picotte, Louis Dewitt.

Lower row: Strike the-Ree, Zephier Rencontre, The Pretty Boy.

ceeding fall and winter fishing and trapping, there was no further interference with the new settlers.

YANKTON INDIANS REMOVE

The lower valley of the James River and the country intervening between the valley and the proposed Town of Yankton extending also some distance up the Smutty Bear bottom, was occupied during the late spring and early summer of 1859 by about two thousand Yankton Indians including women and children, and a small number of pale faces.

The Indians had come in from Big Sioux Point, from the Vermillion and James river valleys, and from a number of smaller camps extending all the way from the Big Sioux to Choteau Creek. They numbered about two thousand two hundred men, women, children and papooses. The grand encampment at Yankton extended along the base of the highlands west and north of town to about where the Rhine crosses Capital Street, thence down that stream some distance and then to the Missouri, and thence up the bank of the Missouri to the base of the hill which is crowned by the Ohlman residence, forming an irregular circle of tepees from three to four miles in circumference.

About six hundred Indian lodges were within this semi-circle. Peace brooded over all, and preparations indicated that an important event in the career of these people was rather anxiously expected. The time was approaching when the Indians were to surrender their dominion and remove to their new homes on the reservation, and although lacking the cultivation and arts of civilization, there is little doubt that many of them were oppressed by a feeling of sadness similar to that which would render joyless the spirits of civilized people, if called upon to surrender a magnificent home in which their ancestors and themselves had been born and reared, and accept in its stead a paltry tenement, illy equipped and furnished, compared with the one surrendered. The unquestioned liberty to roam and hunt over the plains and through the valleys was to be theirs no longer. They were to be banished from the streams and forests to which they had become attached through lifelong association. And they must, too, have felt that they were making this sacrifice not of their own untrammelled will, but at the demand of a force they were powerless to resist, and that force they must have recognized as the white people. Considered from the savage point of view, can it be thought strange or remarkable that the Indians have not been able to regard the friendly professions of the pale faces as sincere?

In July following, the good steamboat Carrier reached the port of Yankton having aboard Maj. A. H. Redfield, the first United States agent of the Yankton Indians. The boat was heavily laden with food supplies, certain bales of gaudy calico, great piles of blankets, and also a number of plows, wagons, mowers, rakes, and a saw mill and grist mill combined, with boiler and engine, all to start the Indians off in good form in their farm work and housekeeping at their new homes. A party of Sioux City people, including a few ladies, were passengers on the Carrier going up as far as Fort Randall on a pleasure trip. The agent was furthermore burdened with a large sum of money—many thousands of dollars in gold and silver coin, which he was to pay over to the Indians at their new reservation as the first installment under the treaty.

At that time and for many years before and afterward, the main channel of the river ran quite close to the Dakota shore, and boats could effect a landing at any point as far west as McIntyre's Hill, now Ohlman's. The Carrier tied up near the trading post at the foot of Walnut Street.

A few days before the arrival of the boat the bands of Indians under Chief Smutty Bear located on the bottom lands a few miles above, began to entertain suspicions as to the coming of the boat, at least they professed to have grave misgivings. These bands had been in an unpleasant humor ever since the treaty was made, claiming that they were not present at the time it was signed, and severely

criticized some of the treaty stipulations. There probably was a little sharp practice on the part of some of the braves by which they had secured some valuable perquisites; but the assent of these recalcitrants to the treaty had been freely given and Chief I-ta-ke-cha (C. F. Picotte) had been given full authority to sign their names to it. The dissatisfied braves claimed that Strike-the-Ree and Picotte were on too friendly terms with the whites to have proper regard for the interests of the Indians, and Smutty Bear sent a very curt message to "Old Strike" requesting him to forthwith move up to that village to receive his annuities, as he (Smutty) was now head chief of the Yanktons and intended to exercise the prerogatives belonging to that exalted station. Old Strike received the message very quietly and without any outward manifestation of ill humor, and returned answer to Smutty Bear that he, Strike, was the grand Sachem of the Yankton tribe; so recognized by the "Great Father" at Washington, and that if Smutty Bear and his followers desired any of the "loaves and fishes" from the boat they must repair without delay to the Yankton camp. This message the upper chief answered by summoning his braves and their families to forthwith proceed to the Yankton camp where the question of superiority would be settled, peaceably if it could be done with honor, forcibly if necessary. Accordingly they marched down with their tepees, dressed and painted for peace but ready for war. They threw their tents around the camp of Old Strike in the form of a crescent opening to the river. Stutsman, Presho and Chapel, white men in charge of the trading post, observing the unusual proceedings and anticipating a conflict, withdrew to the protection of the trading post, barricaded the door, and watched the movements of the contending forces from a cabin window. After considerable ceremony a council was held at which Smutty Bear aired his grievances concerning the treaty, though it was plainly manifest that his complaint was intended as an excuse for his refractory conduct, rather than to urge any real objection to the treaty. To this Strike-the-Ree made reply explaining away all of the former speaker's objections and complaints and good humoredly reprimanding him for assuming to be head chief. The council ended in a good old-fashioned Indian dog feast, typifying brotherly affection. Red Pipestone pipes were puffed, two oxen were slaughtered, cooked and devoured. The three pale faces then ventured forth from the cabin. Medicine Cow was made officer of the day. The Jim River bands came up without protest, so that when the steamboat with their agent Major Redfield was moored at the landing there were not less than two thousand bucks, squaws, little Indians and paposes, waiting on the bank of the river to give him a cordial greeting. Provisions and trinkets of various kind were distributed among the Yanktons by the wise agent who was anxious to make the first impression as favorable as possible, and the Indians were then notified that their goods and money would be turned over to them at the agency sixty-five miles by land, farther up the river. It was evident that the Indians had expected a much larger portion of this distribution would be made here at Yankton, and they would then be privileged to take their time about reaching their new home; but the agent was firm in his purpose, and insisted that they must remove at once to their reservation where he would make his arrangements and have the goods properly distributed.

Just before the Indians struck their camp preparatory to leaving for their reservation, a band of thirty-six painted warriors rode about the grand circle of tepees, vigorously whooping and brandishing their knotted riding whips, probably conveying the order to all that the hour of departure had come. A number of aged squaws went up the hill to the vicinity of Dr. Joel A. Potter's residence, where two celebrated braves had been laid away on scaffolds in the Indian fashion of disposing of their dead, where they indulged in some peculiar ceremonies of a mournful description and then buried the remains in the earth.

The boat departed near nightfall the same day and the Indians immediately folded their tepees and loaded their travois and without further ceremony many of them were on the march for Greenwood while yet the smoke from the Carrier's



COLONEL ENOS STUTSMAN



CAPTAIN NELSON MINER



DOWNER T. BRAVETT

tall chimneys was visible in the gold of a Dakota July sunset. The many windings of the river and the delays incident to snags and sandbars made the distance covered by the boat about twice that which the Indians traversed, so that the latter were enabled to reach the agency and the point of disembarkation just about the hour the boat landed. No improvements had been made for the work of the agency, and the goods were temporarily stored under canvas. The agent had with him a force of overseers and mechanics, including William Bordino and T. A. McLeese. The work of putting up temporary structures was quickly completed and the Yankton Indians began their new life which was to be governed by their treaty obligations.

What followed is eloquently told in the subsequent career of these Indians, who from ignorance, idleness and barbarism, have steadily advanced in the scale of civilization until today those who are living and many of the descendants of that old stock are among the well-to-do farmers of Charles Mix County, attendants upon churches, patrons of schools, and upright industrious citizens of the United States. They have dissolved their tribal organization, own their own homes and farms, dress in the garb and live after the fashion of civilized people. Their numbers have decreased slightly—from 2,200 at that time, they now number 1,800. There is a greater proportion of the present generation mixed bloods, and the time may not be far distant when their descendants will become undistinguishably absorbed in the flesh and blood of the Anglo-Saxon.

Their reservation has practically disappeared, and is now covered by fruitful farms and occupied largely with the homes of Yankton Indians.

CHAPTER XVI

FIRST WHITE SETTLEMENTS ON THE MISSOURI SLOPE IN DAKOTA

(Concluded)

THE UPPER MISSOURI LAND COMPANY TOWNSITES—A NATION WIDE PERIOD OF REAL ESTATE SPECULATION—PRAIRIE FIRE CAUSES FIRST DEATH—CHALK ROCK USED FOR PLASTERING—MOSES K. ARMSTRONG, A NEW ARRIVAL—INDIANS IN THEIR DOMESTIC RELATIONS—INFLUENCE OF THE WHITE INTER-MARRIAGE CUSTOM—ARMSTRONG AND THOMPSON IN PRAIRIE FIRE—POPULATION OF YANKTON VALLEY AND JAMES RIVER—JOHN STANAGE AND FAMILY PIONEER FARMERS OF JAMES RIVER—HENRY CLAY ASH THE FIRST HOTEL KEEPER—GEORGE D. FISKE, FIRST BLIZZARD VICTIM—ELK POINT AND EARLY PIONEERS—THE CANADIAN FRENCH COLONY—ON THE WESTERN BORDER—SETTLERS OPPOSITE FORT RANDALL—BIJOU AND BIJOU HILLS—THE PEASE AND HAMILTON SETTLEMENTS—LAKE ANDES, WEST OF THE MISSOURI—FORT RANDALL AND THE PONCA RESERVATION—MIXVILLE, THE SETTLEMENT AND ITS PIONEERS—TODD COUNTY; PARTIALLY ABSORBED BY NEBRASKA.

The "Upper Missouri Land Company" met at Yankton soon after the Indians withdrew, in July, 1859, and dissolved. The townsite was then surveyed into lots by John P. Culver, of Sioux City, under the direction of Enos Stutsman, who was the secretary of the "Yankton Land and Town Company," a new organization partially formed at that time, and fully organized the following spring, by the election of J. B. S. Todd, president; Patrick Robb, of Sioux City, trustee; John P. Allison, also of Sioux City, treasurer; and Enos Stutsman, secretary.

Up to about this date, however, 1859, the name "Yankton" had not been adopted. Steamboatmen and the traders and Government agents all spoke of it as the "Camp of Old Strike" in the Yankton Valley. The name Yankton was given to it by the town company above organized, and Mr. Holman claims that his party had previously bestowed upon it the same title.

In the absence of any government surveys of the newly ceded lands in the Yankton Valley, the beneficiaries of the grants under the treaty were not able to make their selections with accuracy as to boundaries; nevertheless the selections at this point were made and proved to be not very far out of the way when the lines were afterwards legally established.

The platted tract of the town included about three-fourths of a section, bounded east by Douglas Avenue, west by the east line of Prescho and Stutsman's claims, south by the river and north by a line running very near the south line of the present college grounds. A large portion of this tract was to be located with Sioux half-breed scrip, which at that time and for some years after was used by land speculators to secure choice pieces of the public domain in this and adjoining counties. There was a business or financial reason for the apparent haste shown by the townsite owners in getting their property in condition to place it upon the market.



STRIKES THE-REE, AT NINETY TWO YEARS OF
AGE.

Chief of the Yankton, Sioux Tribe.

There had been since 1855 all through the western country a so-called "boom" in town lots and lands. For several years there had been a great stream of immigration pouring out from the east into Nebraska, Kansas, Minnesota and Iowa, and the speculative fever in western lands and townsites had spread throughout the entire nation. Real estate values were as high in a great many instances in the new West as they were a quarter of a century later and thousands of fortunes were won and lost by speculation in real estate during the years following 1854-55 until near the breaking out of the Civil war. Sioux City was a hotbed of this speculation and lots in that metropolis sold at very high figures. A dozen towns at least were laid out on the Nebraska side of the Missouri River and along its banks, between Sioux City and the mouth of the Niobrara River, land on that side having been in market, and town lots were sold at fabulous prices. Elegant and costly lithographed maps of these towns accompanied with a glowing description of their commercial advantages, which were usually exhibited by a fleet of steamboats moored at the levee taking in and discharging cargoes, were freely distributed through the central and eastern states; and townsite agents sold their elaborately engraved certificates of stock about as rapidly as the printing presses could furnish them. This booming state of affairs could not have been unknown to the leaders in the pioneer movements at Yankton, and it may have been a desire to get their property into market while the boom raged, that urged expedition in the preliminary work of building a metropolis at Yankton. But their haste availed little—in fact nothing at Yankton was realized from that period when values were so inflated. "Hard times" were already pressing sorely upon many industries; railway building received a decided check, and the "wild cat" banks with which the country was overstocked went down by hundreds, their currency rendered worse than worthless, entailing suffering and ruin upon thousands.

EARLY CLERGYMEN AND OTHERS

Rev. Melancthon Hoyt, an Episcopal missionary clergyman of Sioux City, and Rev. S. W. Ingham, a Methodist divine, who resided at Vermillion, but had an itinerary throughout the settlements, were among the clerical visitors of that day, holding services as best they could. The Rev. Chas. D. Martin, of Dakota City, Nebraska, preached the first sermon in Yankton County in February, 1859, but it is not known that he ever repeated his visit. William Houston, who was called the "Old Yank," sermonized occasionally on the uncertainty of life in a land of "Indians and vipers." And William Marslin, "the old Jew" who dropped in and dropped out in the most unexpected manner, discoursed on one occasion to a full gathering of the settlement on the sin of eating pork, which all the settlers indulged in when they could get it.

Marslin was an American who had embraced the Jewish faith. He was intensely religious and had credit among the settlers of knowing the Bible more thoroughly than the average of the clergy. He with his entire family resided on a farm near St. John, Nebraska.

The first death after the beginning of white settlement in Dakota occurred on the 16th of September, 1859, and was caused by a prairie fire. The grass was abundant and frosts came quite early, prairie fires lighting up the horizon at night in every direction. On the date named a squad of soldiers from Fort Randall with an ox team were passing over the trail made by Lieutenant Warren's expedition years before, about three miles north of Yankton, on their way to the Government ferry on the Jim, when they were overtaken by a prairie fire, and one of the boys fatally burned and another seriously. Armstrong, in his Yankton history tells us that "it was after dark when the party reached the ferry with the dying man and called for the boat. While crossing the river a groan was heard in the wagon, and the suffering man was dead. In the morning he appeared to be burned black as a coal, his skin cleaved from his flesh and his teeth dropped from his mouth. A rude coffin was constructed during the day and his charred

remains placed in it and 'when the sun grew low and the hill shadows long,' he was borne away to a neighboring summit near the old Sioux Falls road, where his companions slowly and sadly lowered him into his grave and to a long unsuffering sleep." A rude board was put up to mark his final resting place but his name was not preserved by the settlers.

Downer T. Bramble, at the time a member of the Legislature of Nebraska from Dakota County, and who had been keeping a general store at Ponca, came up to Yankton early in the fall of 1859. Mr. Bramble had been contemplating a removal to Yankton as soon as the Indian question was out of the way, and made preparations while here for the erection of a building in which to conduct a general store business. He selected a site at the foot of Walnut Street, taking the southwest corner of that block, his structure fronting south. This was the first frame building erected in the town or county, and the lumber entering into its construction was hauled up from St. James, Nebraska. It was a one-story building, about 24 by 80. Mr. Bramble found it necessary to plaster it in order to render it comfortable and protect his freezable merchandise, and as a matter of experiment as well as necessity used a plaster made from the native chalk rock.

As the builders who came after him did not imitate his example, it is safe to conclude that the experiment did not result in recommending chalk rock for such purposes. But it served to keep out the cold. This building became somewhat historic. It was used for mercantile purposes until the fall of 1861, when the growing business of the merchant demanded more commodious quarters. It then became the executive office of Dakota and was the political head center of the ruling party for a number of years. It housed the surveyor general's office as well as the executive at the same time, and an addition was made to it which was occupied by the secretary of the territory and the territorial library. It was the meeting place for a few weeks for one of the early bolting Legislatures. At the time it was built the only other buildings on the townsite were the Indian trading post, so-called, and another log structure built by Charley Picotte in the neighborhood of Picotte Street and the river front, and occupied by himself and his Indian family; and the Ash Hotel, composed of a number of log buildings, at the corner of Broadway and Third streets.

On the 12th of October, 1859, Moses K. Armstrong, a surveyor and civil engineer and brother of the Thomas Armstrong who was later the lieutenant governor of Minnesota, in company with William Thompson, a carpenter and builder, and George Grafft, reached Yankton from Minnesota, making the journey with a big prairie schooner propelled by oxen, and went into camp on the east bank of the James River near the ferry landing. Water and feed for stock were both very convenient and very abundant, more so on the Jim than around the Yankton trading post, while the society was just as select and the Indians fully as numerous.

If the reader has never experienced the novelty of camping in the vicinity of a large body of Indians "at home" then he has got a very novel and entertaining experience in store for him. The Indians are superstitious and are by nature and habit early risers.

THE INDIAN IN HIS DOMESTIC RELATIONS

The dawn of day is an event in every well regulated tepee. It is then that the Indian arises and dons his abbreviated garment. He then speaks out in a loud voice, as though talking to some one inside the tepee, saying something after this fashion: "Wakan Sica!—Wakan Sica! Wakan Wakan, Wati etanhan, Kikoda Yo! Wakan Sica!" being translated means, "Bad devil, bad devil, devil; get you gone from my door. O, bad devil." No sooner has this jargon been started in one tepee than it is taken up and repeated by the neighbors and soon the whole camp resounds with a perfect babel of voices shouting this refrain with a good deal added to it. This however does not terminate the early rising exercise. The



SIOUX INDIAN GRAVE, 1850



PONCA INDIANS BOATING ON PONCA CREEK



SIOUX PAPOOSE ASLEEP BOUND IN CRIB



YANKTON INDIAN AGENCY



BULL BOAT MADE BY SIOUX INDIANS



SIOUX SQUAWS TANNING HIDES AND MAKING BUCKSKIN

talking inside the tepees continues until it is fairly light, but not an Indian will be seen out of doors, and in the meantime hundreds of dogs have been aroused, yelping and barking and pouring forth a torrent of noise that it is impossible to describe. It is said that this early rising custom prevails largely among all barbarous and semi-civilized savages, and that its object is to drive away the evil spirits who during the night have entered the village and are gathered at the entrance of each tepee prepared to seize and destroy the first person who comes forth in the early morning. The noise is sufficiently terrifying to effectually accomplish this purpose, for when it gets light enough to enable one to discern objects out of doors, it is discovered that every devil has vanished out of sight. The Indians are now ready to begin the serious work of the day and the squaws are aroused for that purpose. They light the fires, and make ready the frugal breakfast.

This peculiar custom of the uncivilized savage can be remotely associated with the devotional morning service in all enlightened Christian households where the family gather to implore God's blessings through the day, and pray that He lead them not into temptation but deliver them from evil. Possibly this custom of the modern Indian is a relic of an ancient ceremony when their ancestors besought the Great Spirit to deliver them from evil.

Necessity had taught the Indian very little regarding the construction of a domicile or in furnishing it. Their domiciles are called "tipis," pronounced "tepees," and ordinarily are a conical structure, eight or nine feet high and twenty-five or thirty feet in circumference at their base, sloping to a pointed peak where an aperture a half foot in diameter is left through which the smoke escapes. The wall of the tipi is composed first of poles set on the ground in the shape of a circle and gathered together at the top, leaving the aperture before mentioned for chimney purposes. These poles support a wall of ducking or canvas fastened together with stout thread or sinews, and before these were procurable, the skins of the animals slain in the chase were used for this purpose and are yet to a limited extent by the chieftains.

These canvas or other coverings are fastened to the earth and also securely tied at the top with an opening left at one point for a low entrance. This completed the domicile proper. Inside the furnishings are of the plainest and simplest that can be suggested. Around the circle near the canvas were bestowed the sleeping quarters and it was surprising the number that could be accommodated with lodging accommodations in one of these primitive abodes. In the center of the room and directly under that small aperture in the roof are two forked stakes driven into the earth about three feet apart, a pole or an iron rod stretched across between the stakes supporting a good sized camp kettle in which the family cooking is done. Underneath the kettle the fire is kindled when it is needed. The squaw-wife has the management of the household, she also procures the fuel, builds the fires, and tradition informs us performs all the manual labor necessary to keep the establishment in proper order and free from debt. Her Hilinakee, as she designates her liege lord and master, does the fishing and hunting, and smoking and trading, and represents the family and its dignity on all occasions. As a rule there is peace in the family—there are very few domestic infelicities. The marital vows, in most tribes, are held sacred and the "Hilinakee" and his "Tawiau" move along in their allotted spheres in a quiet, peaceful, contented and reasonably happy way. The instances where this is not the case are the exceptions to the rule, and one case of infelicity never fails to attract much more attention than the straightforward and honorable course pursued by hundreds of others. That the women perform what we term the work or the drudgery is to a certain extent true, but it is not put upon her by a hard-hearted brute of a husband; it is the result of ages of custom, and is considered no hardship; for the Indian squaw residing in the tepee would not perform as much manual labor in a month as the ordinary domestic in a civilized white family would perform on a washing day or a cleaning house day. Where the Indian family were in

situated that it could till a patch of ground, the squaw usually attended to the sowing, cultivating and harvesting, but there was not a great amount of it at any time to be done and the warrior husband would in the meantime be occupied in the chase or on the warpath, securing game or the spoils of a successful battle for the subsistence of his family.

The writer has no desire to defend the Indian custom of keeping the squaw in a menial situation and as using her simply as a bearer of burdens, which without any extenuation has obtained credence in the public mind; but where this matter is examined free from prejudice and also free from popular notions which have never had any legitimate ground to stand upon, it will be seen that the large majority of Indian women have much less to complain of in their domestic relations than the majority of white women who are subjected to a life of penury, toil and privation by their worthless husbands. Our ordinary police courts in all communities disclose a condition of marital troubles and hardships that you would search in vain to parallel or to approach among any tribe of Indians.

Regarding the influence exerted upon the Indians by the pioneer whites who intermarried with Indian women and thus practically became members of the tribe, there may be diversity of opinion, but observation must have taught that in the great majority of instances the white individual was not improved by the association and the same may be said of the Indian. The motives, ordinarily, that led the white person to abandon civilization and seek a domestic career among a savage people and cling to such life from choice were not such as sway the minds of men of good inclinations and ordinary ambition. There may have been a few instances where persons who were the victims of unrequited affection or had suffered some monstrous reverse of fortune, sought surcease for their afflicted minds among these strange, and to a civilized person, totally uncongenial people whom we call savages; but the great majority seemed to have taken to it because of predilection and possibly in verification of the theory that civilized man, or many of them, following their natural impulses and asking guidance from no higher power or more potent source, will retrograde and deteriorate rapidly to the savage state, divested of the environment and virtues of civilization; and obtaining no recompense by securing the virtues of the savage—leaving him virtueless—a moral wreck; if in fact he had not touched this condition before his association with the Indian squaw, for we know that he would not be led to his most abhorrent vices by any example or precept furnished him by the savage. The worst characters on the frontiers—the most reckless and violent—were white skinned men who had been trying to live and talk like the Indians and swagger and swear like brutes. The most calamitous evil growing out of this association was the lasting impression these examples made upon the mind of the untutored and unartful savage regarding the white race. The great majority of these aboriginal people had known nothing of the pale face—many of them may never have seen a white man except those who had obtruded themselves into their society—they could not journey to the abodes of the better and higher civilization, and that civilization had not come to them—so that this preliminary acquaintance with the white race left in his mind a prejudice hurtful and radically unjust toward all white people. The savage nature is not on that account unclean or impure. The Indian, almost as a rule, would be found as possessing sterling traits of character; high-minded, truthful; actuated by commendable motives; governed by good rules that might be termed principles, and while he could be extremely cruel and utterly merciless in dealing with a foe, his nature revolted at the coarse unbridled licentiousness and rank dissipation of his white tribal relative, and he was seldom found participating in his degrading conduct.

A large quantity of hay belonging to the pioneers was destroyed in the fall by the prairie fires which were quite fierce and swept over a large area. The settlers who had animals to feed through the winter cut a second supply in the marshes and lowlands in October. It was not merchantable hay, but it was much better than no feed.



ASH HOTEL, YANKTON, 1866.

Armstrong and Thompson, new arrivals from Minnesota before mentioned, had gone into camp on the James River upon their arrival in the territory, and remained there for a number of weeks before removing to the settlement in town. They were so encamped during the season of these prairie fires, and came very near losing their winter's stock of provisions and tent. The fire assailed them in the dead of night while they were sound asleep, and had eaten away a portion of the tent before the heat aroused them. Mad Bull's band of Yanktons were in camp near and the squaws who, after the Indian custom do all the hard work, were engaged in fighting the fire with wet blankets when Armstrong awoke. The Indian women in their strange and scant attire, in the glare of the furious flames which they were making frantic efforts to subdue, looked more like a band of Tam O' Shanter witches than human beings. Thompson, Armstrong's roommate, was awakened by the ridge pole of the tent falling upon his head. He glanced toward the blazing prairie and the squaws and, supposing the Indians had attacked their camp, sprang to his feet with a yell and started on a keen run for the river under the impression that he had been hit on the head with a tomahawk.

A census of the inhabitants of Yankton in October, 1859, would have shown the following named pioneers: W. P. Lyman, Chas. F. Picotte, Samuel Mortimer, James Witherspoon, James M. Stone, David Fisher, Lytle M. Griffith, Joseph R. Hanson, Frank Chapel, J. S. Prescho, Enos Stutsman, Moses K. Armstrong, William Thompson, Obed Foote, William Werdebaugh, Otis B. Wheeler, Horace T. Bailey, George Pike, Jr., A. B. Smith, Samuel Jerou and William Houston, an eccentric educated man who was locally designated as "Old Yank." And there were in addition the following named settlers in the valley of the lower James River: John Stanage, Felix LeBlanc, John Lefevre (Old Dakota), L. G. Bourret, F. Johnson, M. Minde, L. Hanson, John Alseth, John Betz, Henry Arend, Thomas Frick, William Neuman, Ole Olson and John Claude.

There were also three white women, wives of the settlers, Mrs. Stanage, Mrs. Frick and Mrs. Arend; five children, one son and one daughter of Stanage, John and Mary, two sons of Arend, Henry and Chris, and Mary, a daughter of Thomas Frick.

W. P. Lyman had taken a claim adjoining the townsite on Smutty Bear bottom which he improved and cultivated, and Judge Prescho had also taken a claim adjoining the town on the west.

In July, 1859, John Stanage with his wife and two children, John and Mary, with two yoke of oxen, two new wagons, a few cows, a breaking plow and a good supply of provisions reached the east bank of the James River near the Government ferry and went into camp. Mr. Stanage had been a soldier in the regular army but his term of five years ended in '57 at Fort Pierre, and he had then taken employment in the quartermaster's department after his discharge, and remained until '59, when he resolved to start out for himself; went down to Sioux City by steamboat, outfitted as above stated, and returned as far as the Valley of the James, where he soon selected a location, and fell to work getting out house logs and constructing a pioneer home. He was the first settler on the James, in fact he was the first farmer probably in the Territory of Dakota to settle upon his land and cultivate the soil as his sole occupation. His wife was then the only white woman in the territory outside of Fort Randall and Sioux Falls and Fort Abercrombie, and we know of none others in the territory west of the Big Sioux except those at Fort Randall. Their only neighbors were the Yankton Indians, a number of whom Mr. Stanage employed to help him in his building operations. The Indians were perfectly well disposed, and Mr. Stanage, having learned their language while in the military service, had no trouble in negotiating with them. About the same time Felix LeBlanc, who had been appointed blacksmith at the Yankton agency, selected his claim near Mr. Stanage and employed an old Frenchman named LaFevre who was better known as "Old Dakota" to open up the farm and improve it. LeBlanc was making \$150 a month at the agency and for the time being concluded to run his farm by proxy, though

his wife and children came down to the claim two or three times a year in order to keep within the law's restrictions as to residence, and during these visits Mrs. LeBlanc would do some cooking for the old Frenchman which he did not relish, because he didn't want any women around. He was an expert cook and a fine farmer and could see no possible use for a woman on general principles. He was a confirmed bachelor and quite an eccentric character. Henry Arend and Thomas Frick, John Betz, and Robert Buckheart took claims a little later on this side of the James River in the vicinity of the ferry. It would seem that Ireland, Canada, Norway, Germany and Dakota were all represented in these settlements. Stanage put in a good rope ferry at his place the same fall; this was about a mile below the first ferry put in by Lyman, and "Stanage's Crossing" became popular in after years and the major portion of the travel patronized him, especially emigrants and freighters who found the camping privileges much superior. LeBlanc a few years later built a bridge at his claim and the ferries were then sent farther north and west.

Henry Clay Ash, of Sioux City, a whole souled, genial Hoosier, born and bred, and possibly the most popular of all the early pioneers, came to Yankton early in October and put up two log buildings on the site of the present Merchants Hotel, and on Christmas eve following, at the close of a very cold day he came from Sioux City with his family, and the Ash Hotel was opened on Christmas, 1859, in the log structures. Mrs. Ash was the first white woman to take up an abode in Yankton.

The first jury trial in Dakota took place in Yankton in March, 1860. In the absence of local law, the "Yankton Claim Club" furnished the procedure and the rules. The case to be decided was a claim contest between W. P. Lyman and George Gillmore, a new comer. The land in dispute was a tract in Smutty Bear which a few years later became the home of Jacob Brauch and family. The judge was M. K. Armstrong, Enos Stutsman was Lyman's lawyer, while Gillmore, of Hanson's Nebraska party, seems to have appeared in his own behalf, there being no attorney, except Stutsman, among the settlers. The jury was composed of D. W. Whitmer, Robert Crippen and P. Dupuis. The witnesses who testified were J. R. Hanson, Horace T. Bailey, Chas. Picotte, and James Falkenberg. The case was given to the jury after able arguments by both parties, who returned a verdict in favor of Lyman, and that ended the case. There was no higher court for Gillmore to appeal to and the verdict seemed to be generally upheld by the settlers.

FIRST BLIZZARD VICTIM

The winter of 1860-61 was extremely rigorous, especially the closing weeks. No known record was kept but the cold was intense for a long time, snows were frequent, high winds prevailed, and the drifts were colossal. It was a long, blizzardy winter and Geo. D. Fiske, the first white resident of Yankton, was frozen to death on the night of the 10th of February, during a scathing, blinding blizzard. Mr. Fiske came to Yankton in 1858 in the employ of Frost, Todd & Company and for some time represented that firm at this point. He had not been in this employ, however, for about a year before his death, and had spent a good portion of the summer and fall of 1860 at the little settlement of Frankfort on the Nebraska side. He was stopping with Wm. Thompson at the latter's claim cabin that winter. This cabin was situated in the vicinity of Valentine's old home northwest of and adjoining Yankton, where Thompson had made a pre-emption. On the night Fiske met his death, he was down town, and during the evening and while the storm was fiercely raging he called at the Ash Hotel to rest awhile. He told Mr. Ash he was on his way out to Thompson's and he was met by a vigorous protest from that gentleman, who with great earnestness urged him to give up any such attempt for the night, as the chances were a hundred to one that he would perish. The wind was howling and the air was literally filled



MR. AND MRS. JOHN STANAGE

Settled in Yankton County on "Jim" River in 1879



MR. AND MRS. HENRY C. ASH

Mrs. Ash, the first white woman to come to Yankton, arrived on Christmas day, 1879. Mr. and Mrs. Ash built and ran the first hotel in Yankton.

with the flying snow. It would have been a dangerous storm to face in daylight, and in this case the way to Thompson's was a good three-fourths of a mile over a trackless prairie without a sign of habitation between, and the eddying and whirling snow so violent as to literally take one's breath away and to cause such confusion of the senses as to make it impossible to keep in any certain direction. The wind at times would seem to come with equal force from every point of the compass. Ash pleaded with him to abandon his intention, but the man was stubborn and determined to go. He told Ash he could make it and finally started out. He must have lost his way very soon after leaving the hotel, and instead of heading for Thompson's he made his way west up the slope of the hill until he reached a spot just north of Judge Presho's old cabin, where he fell exhausted and died. His body was found the next day after the storm by a searching party. Armstrong in his early history tells us that his funeral was the first in the county and in the absence of a clergyman the solemn ceremonies were performed by his young friends and companions. This was the first death in Yankton and the second in the county, both resulting from fire and storm. Mr. Fiske was a southern man but from what place or even state was not known among his acquaintances here. He was a good business man and popular with the settlers. He was buried in a plat of ground near Thompson's cabin, and here for a number of years those who died in Yankton were buried. Cemetery grounds were afterwards donated by Picotte on College Hill and these early interments were removed to the new burial place.

H. C. Ash was one of the searching party that discovered the lifeless remains of the unfortunate man and assisted in preparing his body for burial. Fiske had worn a pair of leather mittens the night he was frozen and when found his hands were tightly clenched and held a small ball of ice that had formed from the snow he had gathered in his mittens. These mittens were left at the Ash Hotel and as no one cared to take them away Mr. Ash placed them on a shelf where they would be out of the way, as he didn't feel like throwing them into the street. He never had any desire to interfere with them, and denies that he is in the least superstitious, but says that for a number of years after, these mittens would turn up before him in the most unexpected places and at the most unseasonable times, and he could never account for it.

ELK POINT AND COLL. COUNTY

The Town of Elk Point was first laid out on an eighty acre tract by the Elk Point Townsite Company, of which E. B. Wixson was president. There have been additions made to the town of which quite a portion was on Wixson's land. Frost, Todd & Company had nothing near this place. Doctor Burleigh bought 160 acres of Hastings Seamond and laid it out in town lots. The Pinckney and Carpenter additions were a part of Wixson's claim. The main street of Elk Point is the territorial road located by the Federal Government in 1865 when Colonel Moody or A. B. Miller was superintendent of that enterprise. Mr. Wixson is still living at Elk Point, which has grown to be a thriving and prosperous city, vindicating fully the promise it held out when Mr. Wixson made his settlement there nearly half a century ago.

Mrs. George Stickney was the first white woman to settle in that section. She came in 1860. Her husband was a prominent lawyer, legislator and politician of that county for a number of years. Early in the spring of 1860, John R. Wood and family, George Stickney and family, Wm. Adams, Myron Sheldon, Hastings Seamond, David Benjamin and Mr. Bartlett, settled near Wixson and N. J. Wallace came a little later, taking up land adjoining Michael Ryan's claim at Jefferson. J. A. Wallace, attorney at law, was an early settler.

According to the recollection of Mr. M. B. Kent and data that he has been collecting and preserving, the first settlers at Richland and on Brule Creek, beginning in 1860, were Myron Kuykendall, A. R. Stoddard, Amos Dexter, Orrin Fletcher, Milton M. Rich, John Reams, Thomas C. Watson, E. B. LaMoure,

Judson LaMoore, Elmer and Lester Seward, Thaddeus Andrews, Carl Kingsley, Patrick Comfort and a brother, Thomas Olson, John Thompson, J. O. Taylor, Chris Thompson, J. E. Hoisington, W. H. H. Fate, James Fate, and their father, Thomas Fate, Ole Bottolfson. West of Elk Point were Hiram Stratton, E. C. Collins, William Flannery, K. P. Ronne, John Morris, Emory Morris, Joseph LaBarge, David Benjamin, Runyan Compton and M. D. Weston. South of Elk Point were Alvin Cameron, R. H. Langdon, David Pennell, Sherman Clyde, John Donovan, David Walters, R. R. Green, Howard Mosier, Solomon B. Stough, Daniel Ballinger, Silas Rohr, Hegeick Townsend, Anthony Summey, Josiah Bowman, Charles Patton. East were John R. Wood, Preston Hotchkiss, George Stickney, James Phillips, Benjamin Briggs, F. W. Smythe, Jacob Keplinger, Patrick Carey, Daniel Connolley, Michael Curry, Wesley McNeil, George Geisler.

Among the first settlers in Elk Point were Eli B. Wixson, J. W. Vandevere, Timothy Bryan, L. K. Fairchild, Henry Rowe, C. W. Briggs, C. M. Northrup, Hiram Gardner, William Baldwin, Frederick Stroble, D. M. Mills, W. W. Adams, Joseph Dufraw, M. U. Hoyt, J. P. Bennet. The early settlers at Jefferson (the twelve mile house) were Michael Ryan, Charles LaBreche, Joseph Yerter, Desire Chaussee, the Beaubeans, Antonia Remillards and the Fountains. This vicinity was known as the French settlement.

In 1859 a large colony of French Canadians who were excellent farmers, exceedingly industrious, moved in and formed what was called the French Settlement between Elk Point and the Big Sioux in the central portion of the future Cole County. For many years following, this settlement was famous for its well improved farms, the superior quality of its products, including live stock, its substantial improvements, and the hospitality and enterprise of the inhabitants. So attractive was it that pleasure parties from Sioux City made it daily visits during the growing seasons; and the most enterprising of the pioneer real estate dealers and agents conveyed their customers there to exhibit the improvements and to show them what could be done with Dakota soil in the hands of skillful farmers. This was in the early years of Dakota's settlement when its agricultural value was an unproved problem—when even its friends shook their heads in doubt as to its fitness for general farming; when frequent drouths afflicted, and myriads of hungry shark-teeth grasshoppers paid the Dakota settlements annual visits. Chiefly among American settlers this skeptical feeling was prevalent and bore most heavily and it was remarked as the seasons grew better that during the years when these scourges were most serious, the Scandinavians, Irishmen, Germans and Canadians were seldom known to complain.

The first political convention held in the future Cole and later Union County, convened at Big Sioux Point some time after the governor's proclamation was issued in 1861, when the following proceedings were had:

Big Sioux Point, Aug. 17, 1861.

Pursuant to notice the voters of the First Council District in Dakota Territory met in Mass Convention at the house of Mr. Ryan, the Fourteen Mile House.

The Convention was organized by electing Dr. R. Phillips, Chairman, and Judson LaMoore, Secretary.

The Chairman then stated the object of the Convention to be the nomination of two Councilmen to represent said District in the First Territorial Legislature.

Mr. Brookings, of Sioux Falls, asked permission to address the Convention, which being granted, he spoke at some length on the policy of allowing one Councilman to the Red River of the North.

By permission, Mr. Cole addressed the Convention on general topics, after which the Convention proceeded to the nomination of Councilmen, voting for one at a time. A ballot being had, it appeared that Austin Cole had received a majority of all the votes cast and was declared duly nominated.

On motion the Convention proceeded to ballot for the second Councilman, which resulted in Eli B. Wixson receiving a majority of all the votes polled, and was declared duly nominated for Councilman.

No further business appearing, on motion the Convention adjourned.

JUDSON LAMOURE, Secretary.

R. PHILLIPS, Chairman.

At the first election held under the Governor's proclamation in September, 1861, the first council election district extended from the mouth of the Big Sioux River to Pembina or to the 49th parallel, a distance in an air line of about four hundred and thirty miles, probably the longest legislative district ever defined. The nominees for the two council positions were W. W. Brookings, of Sioux Falls, and Austin Cole, E. B. Wixson and William Matthews, of Elk Point, Big Sioux Point and Brule Creek. Another candidate, James McFetridge, was in the field in the Pembina section. There was no effort made by the candidates from either end of the district to stump the entire territory covered by the legal boundaries, so that Mr. McFetridge had everything his way at St. Joseph and Pembina and received more votes twice over than all his rivals received added together. McFetridge had 158 votes at St. Joseph and 15 at Pembina, giving him 173. Cole received 27 votes at Big Sioux Point; Wixson, 15; William Matthews, 15; and Brookings, 13. And at Elk Point Cole had 16; Wixson, 15; Matthews, 12; and Brookings, 12. At the Sioux Falls precinct Brookings had 9; Cole, 5; and Wixson, 3. Cole and Brookings were elected and owing to the failure of the Red River returns to reach the governor, the candidates named received the certificates from the governor, to whom the election returns were made.

The first representative district included only a small fraction of the Sioux Valley. The vote for representative at Elk Point gave A. R. Phillips 12 votes; John McBride, 4; Christopher Maloney, 10; and John R. Wood, 18. At Big Sioux Point the vote stood for Phillips, 10; McBride, 23; Maloney, 25; and Wood, 11; electing McBride and Maloney after an exciting contest.

In June, 1859, it having been officially stated by one of the early exploring parties that the Big Sioux River was a navigable stream, the steam ferry boat at Sioux City called the Lewis Burns, with a party of ladies and gentlemen from that town, made a voyage up the Big Sioux to the mouth of Rock River. The Lewis Burns was a good sized boat and this trip was very successful as a social affair and as demonstrating the practicability of navigating the Big Sioux for that distance for light draught boats. The subsequent settlement and development of the valley does not show that the experimental trip was of any practical value. We do not learn that a similar voyage has ever been undertaken since the pioneer trip was made, and it is safe to presume that there was not sufficient business prior to the advent of railroads, to warrant the construction of a light draught boat for that forty miles of river.

The first death in Cole county (now Union), that there is record of, occurred May 25, 1862, and was that of Susan Oleson, a young girl of fourteen years of age, and was occasioned by drowning in Brule Creek. She was residing in the family of William Frisbie, and had been sent on some errand to the creek near the house, and not returning search was made, and the lifeless body discovered some distance below where she had accidentally fallen in. Efforts were made to revive her, and Doctor Phillips was summoned, who tried to resuscitate the unfortunate child, but all efforts were unavailing. She was buried in a plot of ground selected with reference to a permanent location for cemetery purposes.

Unlike the other sections that were settled about the same time, the early comers to Union County did not center at one point, but located and built up four and perhaps five central or trading points for as many farming communities. These were Big Sioux Point, Elk Point, Richland, Jefferson and one other not far west of the Big Sioux bridge, which was called Willow P. O. and afterwards McCook.

CHARLES MIX COUNTY

That portion of Dakota called Charles Mix County was the home of a few white men as early as 1858, and in 1861 had a population of about fifty white persons, nearly all contractors and their employees, who furnished supplies to the garrison at Fort Randall.

A French Canadian named Antoine Bijou established a trading post in the upper portion of that county and conferred upon that long stretch of rugged eminences that run parallel with the river for forty miles the name of Bijou Hills. These hills are bold irregular bluffs, much more elevated than the country surroundings. His settlement is supposed to have been made in 1813. He had serious trouble with the Indians, who finally compelled him to abandon his post, and some of his trading stock. He was doubtless the first white man to settle in that section.

Just above the Yankton reservation line in Charles Mix County was the Pease settlement, with F. D. Pease, E. M. Wall, Felicia Fallas, Colin La Mont, John Mallert, Ed Fletcher, G. A. Fisher and Joe Ellis. About twenty miles beyond was Pratt Creek, the seat of the Hamilton settlement, and the actual jumping off place of civilization. Here were Joseph V. Hamilton, a lifelong frontiersman who had been for thirty years connected with the American Fur Company. He was the leader and patriarch of this settlement, with Paul Harol, Napoleon Jack, Colin Campbell, William Bartlett, Abel Forceess and John Archambeau as companions. The Pease settlement was also somewhat famous in early days as being the home of Mr. Cardinelle Grant, who was the oldest white man in Dakota, and so far as known the oldest in the West. He was born in 1765, in the Canadian Province of Quebec.

Lake Andes, in Charles Mix County, is the largest lake in the southern portion of Dakota. It is shaped somewhat like a new moon and has a length of fifteen miles, with an average width of one and a quarter miles. It was surveyed a number of years before Dakota was settled by a surveyor named Edward Andes, an employe of the American Fur Company, and bears his name. It has a depth of about fifteen feet. No species of fish are indigenous to its waters, but the experiment is being made of planting some of the ordinary varieties. Two creeks empty into it draining a large section of the country. Its outlets are concealed beneath its surface. Its waters are good and it was a famous buffalo watering place during the first half of the eighteenth century and prior. It is now the most popular resort in the southern part of Dakota for hunting parties in quest of water fowl, a number of the varieties abounding there in great numbers.

Maj. J. V. Hamilton, founder of what was known as the Hamilton settlement on Pratt Creek, in Charles Mix County, died at Fort Randall, where he had been taken for medical treatment, on Friday, the 23d of August, 1867. He had been on the frontiers since his boyhood, and was one of the oldest of western pioneers at the time of his death. He was appointed agent of the Omahas and Pawnees, at Council Bluffs, by Pres. Andrew Jackson, was at one time the sutler at Fort Leavenworth, and held a like position at Fort Snelling, Minnesota. He had also spent some years in the fur trade in the employ of the American Fur Company on the Yellowstone, and removed from the Yellowstone to settle on Pratt Creek, Dakota Territory, with his sons in 1859. This point was thirty miles above Fort Randall, and up to the time of his death it was an outpost on this frontier. Major Hamilton was a son of Maj. Thomas Hamilton, of the United States Army, and grandson of Col. John Whistler, also a regular army officer. He was born at Fort Madison, Iowa, on the Mississippi River, in 1811. His two sons, Charles and Grant, were with him at the time of his death. Major Hamilton was known among the Indians as the "man that fears nothing," and received this name from the following audacious incident in his career: In 1839 or '40, General Kearney was ordered to Council Bluffs with a detachment of troops to hold a council with the Indians, there being at that time some disturbance among them. When the Indians came in, having been summoned by their agent, they showed signs of an ugly temper. General Kearney thought to appease them by appearing in council with his soldiers all unarmed, to prove to the red men that he had no hostile intentions. The subordinate officers remonstrated, deeming it very imprudent, but they could not move the general, and then turned to Hamilton and urged him to see the general and dissuade him from such a dangerous step.



MRS. LIZZIE CASH ECCLES

First white child born in Yankton. Date of birth, 1863. Now a resident of Belle Fourche.

Hamilton saw that the Indians were in an ugly mood and prepared to commit some desperate act, and therefore went to the general and represented the critical situation to him, stating that he would run the risk of losing the life of every soldier and his own if he persisted in disarming his men. Kearney refused to change his plan, however, and required his officers and men to appear at the council without their arms. There were a number of kegs of powder and other ammunition on the council ground, designed as peace gifts from the "Great Father." Hamilton with his interpreter took his station immediately in front of the Indians, who were seated some four or five deep, in a semi-circle, in numbers from four to five hundred. General Kearney and his staff were on one side of Hamilton, and the soldiers, numbering one hundred men, on the other. The council had not proceeded far when Hamilton discovered that the Indians were awaiting a signal to begin a massacre, and he understood their character so well that he believed the life of every white man present was about to be sacrificed, and would be unless the Indians could be turned from their purpose. Quick as thought he sprang into the ring, seized a glowing ember from the council fire, and jumped upon an open keg of powder, exclaiming to the Indians: "If you do not every one of you instantly lay down your arms and retire from the ring, I will set fire to the powder and we will all go to the Spirit Land together." The Indians were appalled, and unconsciously dropped their arms and precipitately retired beyond the danger point, and the tragedy was averted, for it was subsequently ascertained that the Indians knew the whites were unarmed and intended to scalp the entire party. After recovering from their demoralization and being assured that they would not be punished for their premeditated offense, the Indians were allowed to state their grievances, which were not serious and were adjusted with presents and promises and cautioned to maintain peaceful relations with the "Great Father." Agent Hamilton's wonderful nerve had so won their admiration that they all came up, shook his hand with many ejaculations commending his bravery, and declared that he was a man that was afraid of nothing, and his Indian title from that time had that significance. Hamilton had been in peril a number of times during his career, and his body exhibited scars inflicted by knife and bullet, received in encounters with the Indians.

WEST OF THE MISSOURI RIVER

Crossing the Missouri at White Swan to Fort Randall, and coming east by south, Mixville, near the Ponca Indian Agency, was the first settlement. It was about twenty miles from the fort. The Poncas were comparatively well advanced in civilized methods at that time and did not mingle with other tribes, though many of their warriors were inclined to make forays upon the white settlements for plunder. They had a permanent village; their houses made of dirt were called Dirt Lodges. They were much more comfortable and a much better quality of dwelling than the tepee of the Yanktons. At this agency and at Mixville were found J. Shaw Gregory, Judge James Tufts, Robt. M. Hagaman, Peter Keegan, Jonathan Lewis, Harry Hargis, Joel A. Potter, Geo. Detwiler, Charles McCarthy and Robert Barnum. Gregory was the agent, and was the eldest son of Rear Admiral Gregory, then one of the foremost of our naval commanders. All whom we have named stamped the impress of their genius upon the material and intellectual advancement of the territory, and all except Barnum, Keegan, McCarthy and Detwiler, subsequently removed to Yankton.

As originally bounded, Dakota Territory included the eastern portion of the Niobrara River to the point of confluence with the Kaha Paha, thence up that stream to the 43d parallel. In 1882 an act of Congress approved March 28th ceded to the State of Nebraska all the territory lying south of the 43d parallel and west of the Missouri, which cession was accepted by a vote of the people of that state at an election held May 23, 1882. The tract so ceded amounted to about six hundred square miles and had been organized as the County of Todd, Dakota.

Territory, in 1862. This will explain why and how Todd County came to be lost from the map of the territory, and its membership in the Legislature dropped from the roll.

At the first election held under the governor's proclamation in 1861 the settlements west of Choteau Creek on the east side of the Missouri River and the communities on the west side of the river east of Fort Randall constituted the Sixth Council and Representative District, and at the September election J. Shaw Gregory, of Ponka Precinct, was elected councilman, and John L. Tiernon, of Fort Randall, representative. Gregory received twenty-six votes on the east side and twenty-nine at Ponka Precinct on the west, giving him fifty-five votes. His opponent, Freeman Norval, received thirty votes on the east side and none at Ponka. For the House, Tiernon received twenty-seven votes west of Choteau Creek and twenty-eight at Ponka, giving him fifty-five. Henry Price, his unsuccessful opponent, received twenty-seven votes west of Choteau, but had no support whatever at Ponka. It was claimed at the time that Gregory was an Indian agent, and Tiernon an army officer, which was a fact, but no objection was raised in either House to their eligibility to serve as legislators.

THE DAKOTAH INDIAN NATION

History furnishes a very satisfactory account of the Dakotah nation of Indians beginning in the sixteenth century, when they inhabited the country west of Lake Michigan. They were a warlike people, as all Indians were, but their wars were altogether with other Indian tribes—the Hurons, Iroquois and Algonquins—in which they were uniformly successful. They were known as a very honorable nation, truthful and faithful to their agreements. Garreau, a young French missionary, writing of the Dakotahs, whom he termed the Nadoweah Sioux, in the sixteenth century, says that "they are a people to be dreaded, who though using only bow and arrow, are so skillful and unerring in their aim as to make them a most formidable enemy. They can fire their arrows swiftly and with deadly aim while running, and even shoot behind with fatal accuracy, simply turning their heads in their flight and taking momentary aim." Their language differed radically from all other tribes, and they were credited with the virtue of always telling the truth and abiding by the letter and spirit of their promises. They were humane in the treatment of captives taken in their wars, and frequently released them. They were at war a great deal with their traditional enemies, though the cause or purpose of their contests could never be ascertained unless it was for the purpose of exterminating the other nations or tribes in order to have sole possession and occupation of the land and its resources. These wars, however, seldom resulted in a battle where a force was engaged on either side. It was a condition of animosity that remained from generation to generation, in which neither party neglected an opportunity to wreak its hatred upon the other. The possession of the scalp of an enemy was a trophy of great importance to an Indian brave. It increased his influence among his fellows and gave him consequence in council, and in time would aid materially in raising him to the dignity of a chieftain, the ultimate ambition of the warrior.

The first capital of the Territory of Dakota derives its name from the Yankton Indians. In this way Dakota stands related to that tribe of the aboriginal inhabitants of the country, and it will be therefore appropriate to inquire briefly into the history of the tribe in order to discover something of its past career. It will be gratifying at least to show that the name "Yankton," with which our city, county and college have been endowed, has come down to us through a long line of illustrious ancestors from an honorable, ancient and numerous family of the aboriginal inhabitants of the Northwest. That they were not a small branch of a tribe, or a band of modern organization, but part of a great and powerful and honorable nation that has stood in the forefront of defense against the aggressive

progress of civilization for many centuries, battling heroically but unsuccessfully against a destiny that has been beyond the power of human forces to control.

To be proud of an honorable lineage is a part of our human nature, whether that nature is clothed in a white or a red skin, and whether it is the nature of an untutored savage or a civilized being. The people of civilization sift their genealogies for centuries, ransacking the archives of government and every suspected repository of ancestral secrets, to learn from whom they are descended, and their hearts expand with joyous pride whenever they stumble upon some ancient hero or illustrious statesman whose name offers a hook whereon to hang a claim to a renowned ancestry. The Indian, undisturbed by the vices of civilization, is the embodiment of pride, and his greatest pride is in his ancestry. His traditions are filled with the marvelous feats of the great warriors who have distinguished themselves in war and in the chase, and much of this tradition when sifted of its fanciful ornamentation has been found nearly as reliable as the written records of a civilized people. The Yanktons have their traditions that tell of mighty battles between tribes of gigantic stature when so much red blood was spilled that it saturated the earth and colored the rocks at Pipestone and left them with the ruddy tint which they bear today; but they have traditions of another kind in which the imagery of fancy forms very little if any part. These traditions have also been passed down from father to son, just as the ancient people of our own race recorded and perpetuated their histories, through centuries of time, and have been, not infrequently, verified by comparison with the written records left to us by those whose lives were spent in teaching them the story of the Cross. Rev. John P. Williamson, D. D., who is a general missionary of the Presbyterian Church, has resided with the Dakota Indians for a lifetime and may safely be regarded as among the best authorities today regarding their past career—their language, their tribal histories, or whatever would be interesting and useful to know of them. The following sketch has been kindly furnished by that reverend gentleman to the readers of this history, and is taken from the manuscript furnished by the missionary himself. Mr. Williamson now resides at Greenwood, on what was the Yankton reservation. He was a missionary to the Santees in Minnesota at the time of the Little Crow outbreak in 1862, and long before, and when the Santees were removed to Crow Creek, Dakota Territory, in 1863, he came with them and remained with them at Crow Creek and at Santee, Nebraska, until 1869, when he moved over to the Yankton Agency, where he has since been laboring as a missionary among the Yanktons. The letter was addressed to the writer of this work:

Greenwood, S. D., March 11, 1905.

My Dear Sir: Your letter of March 7th is received, and I take pleasure in giving you such knowledge as I have on the points you mention in regard to the Dakota Indians.

Dakota is a Dakota Indian word, and the name by which they call themselves. Like all proper names in common use, those who use it seldom think of its meaning. It means "Friends," or "Those who are friends to each other." The root is *koda*, which is still the word commonly used for friend. The prefix "*da*," which limits the meaning to those spoken of, is the cause of its sometimes being translated "Allies." But it is clear that the name was not given because of any alliance having been made by different bodies of Indians, for we find that they are one people. They have one language, one religion, and no legend that intimates that they were ever brought together from different sources. The feeling among the Dakotas that all who speak the Dakota language are Dakotans, which is very strong, is proof that the language and the nation have been co-extensive for centuries.

The word "Sioux," by which the first white men who wrote of them designated them, is certainly not a Dakota word. A number of explanations have been given as to its derivation. The most plausible I have seen is that of Charlevoix, who wrote in 1720: "The name Sioux that we give to these Indians is entirely of our own making, or rather it is the last two syllables of the 'Nadouessioux,' as many nations call them." As this was only about fifty years after the first white man (Hennepin) looked wondrously upon the people, and the kind of the Dakotas, it would seem to be correct.

As to the divisions of the Dakota nation, it is clear that at some period, not more than a thousand years ago, they became divided into three parts—the Santee, the Yankton, and the Teton. These are now the leading divisions and it was so long ago that they could not make no effort to designate the time when it was made. Each division, though the Santee

some, has a clearly defined dialect, so distinct that an Indian can hardly speak a sentence without making known from which division he comes. Each of these divisions was subdivided before the white people came among them. The Santees had four divisions: the Mdewakantonwan, Wahpekutas, Wahpetonwan and Sissetonwan. The Yanktons had three divisions: the Yankton, Yanktonais and Assinaboine. The Teton divisions seem to have been later, some of them after the advent of the white man, but at the time the United States took charge of them there were seven divisions: Sichangu, Oohenonpa, Sihasapa, Minnekanjou, Oglala, Itazipco and Hunkpapa.

These secondary subdivisions have some dialectic differences, but so small they would only be noticed by experts. These secondary divisions have been subdivided more or less at different times. For instance, the Mdewakantonwa at the time of the Minnesota treaty of 1857 were divided into seven bands: the Kiyuksa, Hemnican, Kapoje, Oyatesica, Magayutesni, Heyatatonuc, and Tintatonuc. And the Yanktons also at the time of the treaty of 1858 were divided into seven bands, namely: Cankute, Cagu, Wakmuhaoin, Ihaisdaye, Waceonpa, Ikmer, and Oyatesica. Owing to changed circumstances this third class of subdivisions is now almost obsolete. And the lines of the second class are in many cases quite indistinct. The primary divisions however will remain clear as long as the Dakota language is spoken.

As to the original location of the Dakotas when the white man first heard of them, about two hundred and fifty years ago, they occupied nearly the whole of what is now the State of Minnesota, stretching over a little into each of the three contiguous states of Wisconsin, Iowa and the two Dakotas. The Santees occupied both sides of the head waters of the Mississippi River from about Prairie la Crosse to its source. The Yanktons occupied the central part of Minnesota, living in the woods as the old men still say. The Tetons, as the name seems to indicate, lived on the prairies in Western Minnesota and Eastern North and South Dakota. Their headquarters were about Bigstone Lake and the head of the Minnesota River, and they probably seldom hunted west of the James River. From this original location, for reasons which had little connection with the coming of the whites, they gradually drifted several hundred miles to the southwest, so that before they ceded any of their landed rights to the United States the Tetons were all west of the Missouri River, the Yanktons were all in the Dakotas, but east of the Missouri River; and the Santees had reached the western boundary of Minnesota, and in places beyond.

The Yanktons claimed a large portion of the country north of the Minnesota River and were estimated to be the most numerous and intelligent of all the divisions of the original tribe of the Sioux or Dakotah nation. They numbered nearly as many individuals as all the others combined. The Dakotahs subsequently claimed all of the country west of the Mississippi and north of the Missouri, and their claim was recognized by our Government to the greater part of it, as is abundantly attested by subsequent treaties of cession. They also claimed a large estate in the country east of the Mississippi, between the great Father of Waters and Lake Michigan, where their forefathers had their homes in the sixteenth and seventeenth centuries, and our Government being unable justly to resist their claims, paid the various bands of Dakotahs about three hundred thousand dollars some seventy years ago and obtained from them such a relinquishment of their claims as effectually quieted the question of the Government title for all time. Later, in 1851, came the Travers des Sioux and Mendota treaty, when the Sissetons, Mdewakantons, Wahpetons and Wahpedutes sold their Minnesota heritage, embracing 35,000,000 acres in Minnesota Territory, and following this was the treaty of 1859, by which the greater portion of Southern Dakota east of the Missouri River was ceded by the Yanktons, embracing a tract of 14,000,000 acres of the most valuable agricultural lands in North America.

This sketch traces the genealogy of the Dakotahs back to about the year A. D. 1640, which is sufficient to give them standing as one of the oldest of our Indian families, and shows their record to be in the main free from treachery, perfidy or acts of extreme cruelty, in their almost constant struggles and warfare; and with rare though notable exceptions they have faithfully observed their treaty obligations since the time they became treaty Indians. This record is now a part of the written history of our country, chronicled by a long line of illustrious men who lived and worked among them for scores of years before this Government of ours came into existence, and by historians of this later period since the Government was instituted. It is worthy of note that this record, in all its important features, substantially coincides with the traditions of the Indians of the present generation, who can recite the substance of it as it has been handed down

to them from the preceding generations who likewise received it from their fathers, and on back for hundreds of years, interspersed more or less with the supernatural and marvelous tales invented from time to time to account for some great event, and give a lively coloring to the narrative.

During the summer of 1859 the Indians along the upper river were at war among themselves, and this seemed to be a chronic condition between the Dakotahs or Sioux on the one side and the Arickarees, Mandans and Crows on the other, who were all targets for the Sioux whenever and wherever they met. The steamer *Spread Eagle* made a trip to the Yellowstone and Fort Union, returning in July, 1859, with a number of white passengers, traders and explorers, who reported that they passed war parties nearly every day along the upper river, and they frequently saw the scalps of Indian braves dangling at the entrance to the lodge of some successful leader. The scalps, however, were in every instance those of Indians, and no act of personal hostility toward the whites had been committed; but it was surmised that the Indians were growing unfriendly and that it would be necessary to construct two or three forts and keep them garrisoned by a force of troops as the most effective means of restraining the warlike disposition of the savages and prevent them from breaking out into open hostility. Steamboat transportation was increasing and wood camps were being established by white men in the Indian country, a procedure that was angrily complained of by the red men.

It is not improbable that there would have been a serious family quarrel in the fall of 1859 had the Dakotah Indians of the upper river been able to meet the Yanktons. Major Schoonover, who was the Government agent for the upper tribes, made a trip down the river in the fall and he brought the report that some small parties of Poncas had been exasperated at the treaty effected by the Yanktons and Poncas for the sale of the land in the southern portion of the territory. Nearly all the upper Sioux, not Yanktons, but classed as the northern tribes, shared in the disaffection over the treaty, basing their opposition on the general principle that the Indians had already ceded away much more of their domain than their welfare demanded and they were all beginning to feel the hurtful effects of the restrictions put upon them as these cessions continued, by narrowing their hunting and trapping grounds and destroying their resources for obtaining subsistence. The Sioux in many cases claimed that the Yanktons had no right to make the treaty because the land ceded was the common property of the Dakotah nation and not the Yanktons alone.

Another report substantially confirming that of Major Schoonover was brought by Mr. Avery, a clerk of the steamer *Chippewa* on its return trip from Benton, who represented that the upper Sioux were not only "fighting mad" toward the Yanktons for their assumption in ceding lands that were common property, but that they were eager to show their resentment, and would contest the right of the Government to the ceded tract unless a further treaty was made that would include all the Indians interested.

From the numerous complaints made by individual members of Indian tribes who had ceded land to the Government, in which a comparatively small number of the chiefs and head men had taken upon themselves authority to dispose of domain, there was awakened a disposition to treat the individual Indian as possessing the right to a voice in the making of treaties of cession, and it is surprising that such awakening had not occurred to the Government authorities much earlier, for it was no trivial matter to take from the Indian his recognized property without even consulting him in regard to the transaction. This more honest method, founded in immutable justice, appears to have been adopted, in great measure, in the making of treaties subsequent to the Yankton treaty of 1858, and furnished the treaty commissions an excellent pretext for tying up the country north of the Union Pacific Railroad in such a manner that no competing routes to the gold fields of Montana and Idaho could be opened through Dakota for a number of years. In these later treaties it was usually provided that the com-

sent of two-thirds of the Indians interested should be obtained before treaties of cession should be concluded.

THE RED PIPESTONE QUARRY

One of the provisions of the treaty between the Government and the Yankton Indians required the United States to make a survey and define the Red Pipestone Reservation, in Minnesota, a spot sacred to the Indians of the Northwest for centuries, and still treasured in their hearts as the scene of mighty conflict between the giants of their race at a period long anterior to the coming of the whites among them. As the Yankton Indians regarded the place with peculiar reverence and had charged themselves with the duty of caring for it, the pages of this work seem a fitting place for a brief description of the quarry and its environment.

The Red Pipestone quarry is situated in Minnesota about thirty-five miles north by east of Sioux Falls. It is the quarry from which the Indians of the Northwest have obtained the reddish mottled stone from which they have made their pipes, hatchets and various ornaments ever since they inhabited this country. Lewis and Clark knew of it as a revered place in the estimation of the Indians and neutral ground, where members of all tribes had access. On its charmed soil they could meet in peace, though ready to slay one another if found beyond its boundaries.

The quarry lies in an elliptical valley about three miles in length with a maximum breadth of half a mile. From a distance the region of the quarry has the appearance of ridges or palisades and fancy might arrange its novel architecture into ruined structures of an ancient city. On a nearer approach one finds that there are three ridges or palisades paralleling one another, the central one being the largest. At intervals these ridges stand above the surface ten or twelve feet, and then slope to nothing, disappearing in the earth. The material of these ridges is an indurated metaphoric sandstone or quartz, varying in hue from a purple to a light dull scarlet, sometimes a bright red. The upper surface is split into innumerable cubical pieces, and from a large fissure in the principal ridge issues a stream that drains the Pipestone Valley and is called the Red Pipestone River. About a quarter of a mile from its source it falls over the lower ridge, forming a beautiful cascade about twenty feet in height.

The quarry itself is an ordinary trench about six hundred feet in length and twelve feet deep, with a varying breadth from eight to fifteen feet, which has been excavated by the Indians during the last two centuries, possibly more. As this quarrying has been done without the aid of drills or powder, and as there has been great quantities of quartz to loosen and remove that covers the pipestone and interlies between its several strata, it will occur to the observer that great labor has been expended here covering a long period of time.

The quarry was included within the land belonging to the Sisseton Sioux Indians, but has been utilized by all Indians, and has been visited by them annually for the purpose of procuring the peculiar stone which is now quite common in pipes and ornamental hatchets and various devices and trinkets, frequently rings and watch charms, which are seen in every western community. The pipestone is used very generally by the Indians for the manufacture of their pipes, upon which a great deal of labor is bestowed, some of them being rudely carved and decorated where designed for the use of a grand peace council or other important ceremony. The Indians possess a tradition explaining the origin of nearly everything under the sun, and there has never been any difference of opinion among their scientific men as to the cause of this peculiar formation. Their tradition is that the quarry was one of the great battlefields of their ancestors and was the place where tribe fought against tribe through countless moons, and the rocks drank in the torrents of blood that were spilled upon the surface until they took the permanent hue they now have. That the Great Spirit has since presided

over the battlefield and has banished forever all war or contest of any kind within the area of the quarry, and for this reason all red men meet here on an equal plane, with an equal right to take of the rock which bears within it the crimson life fluid of their renowned ancestors. All enmities are forgotten here. The Dakotas cherished it as a sacred and charmed spot and observe some peculiar ceremonies and incantations whenever they visit it. They bathe themselves for several days, are very abstemious as to food and drink, and wives and husbands remain separated. These ceremonies would remind the Bible student of some of the more rigid observances of the Mosaic code. At the quarry all excavations are preceded by supplication to the Great Spirit, and one Indian is set apart to do the digging. If he fails to strike a stratum that will make good pipes it is because he has neglected to purify himself, and he is temporarily disgraced, while another one is chosen to pursue the work, which is continued until the desired quality of rock is found, when there is a further ceremony expressive of gratitude over their good fortune and the Indian who made the fortunate strike is rewarded by receiving the choicest pieces. Several weeks are spent by the Indians who visit the quarry in making their excavations and securing this treasure. The place is barren—not a tree near it, and the earth is covered partially by scanty vegetation, it having been all destroyed by the blood of their ancestors which saturated the soil.

Professor Nicolet, the famous geologist and explorer, who came up the Missouri with Fremont in 1839, spent some time at this quarry the year previous, and made an exhaustive investigation. He reported:

In the quarry that I had opened, the thickness of the bed is eighteen inches, the upper portion of which separates in thin slabs and may be thus described: compact structure, slaty, receiving a dull polish, having a red streak, color blood red, with dots of a fainter shade of the same color, fracture rough, sextile, feel somewhat greasy, hardness, not yielding to the nail, not scratched by silatine but easily by calcareous spar; specific quantity, 290. The acids have no action upon it; before the blow pipe it is infusible per se but with borax gives a green glass.

According to Professor Jackson, of Boston, who has analyzed it and applied to it the name of "Catlinite," after Mr. Catlin, the Upper Missouri artist, it is composed of water, 8.4; silica, 48.2; alumina, 28.1; magnesia, 6.2; peroxide of iron, 5.0; oxide of magnesia, 0.9; carbonate of lime, 2.6, less probably; magnesia, 1.0. Total, 100.4.

CHAPTER XVII

THE ORGANIC ACT

1858-61

DAKOTA A PART OF MINNESOTA—DAKOTA'S SITUATION; DIMENSIONS; BOUNDARIES; AND TOPOGRAPHICAL FEATURES—HEALTHFUL WATERS; SALUBRIOUS CLIMATE—GOLD DISCOVERIES IN THE FAR NORTHWEST—WINTER OF 1859-60—PIONEERS ANXIOUSLY AWAIT ORGANIZATION—FIRST SCANDINAVIAN IMMIGRATION—SETTLEMENTS WITHOUT A LEGAL GOVERNMENT—EFFORTS TO SECURE A TERRITORIAL ORGANIZATION—MASS MEETINGS AT YANKTON AND VERMILLION—COL. D. M. FROST—GOLD IN MONTANA—QUIET WINTER—CATFISH—GOLD FROM THE HEADWATERS OF THE MISSOURI—ORGANIC ACT FOR DAKOTA TERRITORY—THE NAME "DAKOTA."

Dakota Territory, east of the Missouri River, was a part of Minnesota from 1849 to 1858. The Territory of Minnesota was organized March 3, 1849, with the following boundaries:

Beginning in the Mississippi River at the point where the line of 43 degrees and 30 minutes of north latitude crosses the same; thence running due west on said line, which is the northern boundary of the State of Iowa, to the northwest corner of the State of Iowa; thence southerly along the western boundary of said state to the point where said boundary strikes the Missouri River; thence up the middle of the main channel of the Missouri River to the mouth of the White Earth River; thence up the middle of the main channel of the White Earth River to the boundary line between the possessions of the United States and Great Britain; thence east and south of east along the boundary line between the possessions of the United States and Great Britain to Lake Superior; thence in a straight line to the northwestern point of the State of Wisconsin in Lake Superior; thence along the western boundary line of the State of Wisconsin to the Mississippi River; thence down the main channel of said river to the place of beginning.

The White Earth River referred to as forming a small part of the western boundary of the Territory of Minnesota is a small stream emptying into the Missouri from the north, about midway between Fort Berthold and Fort Buford, now in Mountrail County, North Dakota. As laid down on the old maps, it rises about thirty miles south of the international boundary. It was also called the Whitewater River. On some of the earlier maps the White River, which runs south of the Black Hills and courses east, falling into the Missouri River a few miles south of Chamberlain, is erroneously called White Earth.

South Dakota was largely in Blue Earth County, Minnesota. This county comprised about one-fifth of the entire Territory of Minnesota. Starting from Big Stone Lake, it followed the Minnesota River to Mankato, which was also in Blue Earth County. From Mankato it followed the Minnesota River up to Heel and Toe Bend, Le Seuer County; thence southeast along the western boundary of Le Seuer to Rice County; thence south along the western boundary of Rice to the northern boundary of Iowa; thence west along the said northern boundary to the Big Sioux River; thence down the Big Sioux to its mouth; thence up the Missouri River to a point directly west of the starting point on Big Stone Lake, nearly opposite the mouth of the Moreau River; thence cutting across the present counties of Roberts, Day, Brown, Edmunds and Walworth, in South Dakota; in

area embracing about one-fifth of Minnesota Territory and including its choicest agricultural section.

Pembina County was directly north of Blue Earth, taking in the upper portion of the counties in South Dakota above named and all of North Dakota east of the Missouri River. It also embraced the country east of the Red River of the North, having a somewhat irregular boundary on the east; beginning on the Magia Wakan River, about forty miles east of Big Stone Lake, running thence north and northeast to Winnebigoishish Lake, thence northwest to Rainy Lake River, and up that river to the Lake of the Woods; thence west along the international boundary. Pembina County comprised about one-third of the Territory of Minnesota.

Blue Earth County was in the Tenth Council and Representative District in the Territory of Minnesota, and in the same district with Le Seuer, State, Fairbault, Brown, Nicollet, Sibley, Pierce and Renville counties, Minnesota. These counties do not now all appear on the maps of Minnesota; that is, names and boundaries have been changed. In 1856 the councilman representing the Tenth district was C. E. Flandreau, and the representatives were Parsons K. Johnson, Aurelius F. de la Vergne and George A. McLeod. In 1857 P. P. Humphrey was the councilman, and Joseph R. Brown, Francis Basaen and O. A. Thomas, representatives.

Pembina County formed the Seventh Council and Representative District by itself. Its councilman in 1856 was Joseph Rolette, the famous Red River vote getter in the olden time. Its representatives the same year were R. Carlisle Burdick and Charles Grant. In 1857 Rolette was again returned to the Council, and Charles Grant and John B. Wilkie were the House members. The Legislature of 1857 closed the legislative career of Minnesota Territory. It was admitted into the Union as a state in May, 1858.

In the constitutional convention held at St. Paul, Minnesota, in July, 1857, to form a constitution for the state, the Seventh Council and Representative District was represented by James McFetridge, J. P. Wilson, J. Jerome, Xavier Cantell, Joseph Rolette and Louis Vasseur. The Tenth district was represented by Joseph R. Brown, C. E. Flandreau, Francis Baasen, William B. McMahan and J. H. Swan. These early lawmakers and constitution framers all resided east of the Big Sioux River in the Tenth district, but in the Seventh district the names of Rolette, McFetridge and Grant are familiar to the early settlement of Pembina on the Dakota side of the Red River of the North, both McFetridge and Rolette subsequently being identified with Dakota Territory, McFetridge as a member of the early Legislatures from the Red River region, and Rolette as a deputy United States marshal.

In 1851 the Indian title to all the land claimed by the Sioux Indians east of the Red River of the North, Lake Traverse and the Big Sioux River was extinguished by the treaties of Lake Traverse and Mendota, by which treaties certain bands of the Northern Dakota or Sioux Indians, notably the Sissetons and Wahpetons, ceded about thirty million acres of the most fertile agricultural land in the United States to the general Government for the sum of \$1,665,000.

The Territory of Dakota was situated about midway between the two great oceans, and between the parallels of latitude 42° 30' and 49° of north latitude, which latter parallel forms the northern boundary of the United States from near the Pacific Ocean to the 95th degree of longitude west from Greenwich. It embraced an area of 140,000 square miles, according to the estimate of the United States census bureau. Its longest dimensions were about four hundred and thirty miles from south to north, and approximately three hundred and eighty-five miles east and west, but its average length was placed at 400 miles and its breadth 380. The Missouri River divided the territory into two great sections—entering it near the northwestern boundaries and leaving it at the southeast corner—that portion, however, lying east of the river being much the larger in area, owing to the course of the stream.

The distinctive topographical feature of the territory is a vast plain, gently undulating, which covers nearly four-fifths of its area. This feature extends west of the Missouri River, though broken to a much greater extent by rivers and creeks and by the "bad lands," marked on most of the older maps as the "*mauvaise terres*," a French term having the same significance as "bad lands," and beyond these the Black Hills, which cover an area of 3,200 square miles, have an average elevation of 6,000 feet, one of its mountains, Harney's Peak, rising to an altitude of 8,200 feet above the sea, the highest point in the United States east of the Rocky Mountains. The Turtle Mountain region, which lies in the extreme northern portion of the territory, embraces about eight hundred square miles. Its highest peak is called Butte St. Paul, in the County of Bottineau, and is 2,300 feet above sea level. For a description of the "bad lands" and Black Hills, so far as was known at the time, the reader is referred to Professor Hayden's lecture delivered at Yankton in 1866, and to Sully's Indian campaign of that year, which are given in this book.

The Wessington Hills in Jerauld and Hand counties form a conspicuous landmark in that region, with an elevation nearly equal to the Turtle Mountains, and extend from the northern limit of Brule County, entirely across the County of Jerauld to about the center of Hand County.

HOW WYOMING BECAME A PART OF DAKOTA

The western boundary of Dakota was early modified by the organization of the territories of Idaho, March 3, 1863, and Montana, May 26, 1864. The entire Territory of Montana, and a portion of Southeastern Idaho, had been included in the original boundaries of Dakota, but by section 18 of the Montana act it was provided that until Congress shall otherwise direct all that part of the Territory of Idaho included within the following boundaries, to wit:

Commencing at a point formed by the intersection of the 33d degree of longitude west from Washington, with the 41st degree of north latitude; thence along said 33d degree of longitude to the crest of the Rocky Mountains; thence northward along the said crest of the Rocky Mountains to its intersection with the 44th degree and 30 minutes of north latitude; thence eastward along said 44th degree and 30 minutes north latitude to the 34th degree of longitude west from Washington; thence northward along said 34th degree of longitude to its intersection with the 45th degree of north latitude; thence eastward along said 45th degree of north latitude to its intersection with the 27th degree of longitude west from Washington; thence south along said 27th degree of longitude west from Washington to the 41st degree of north latitude; thence along the 41st degree of north latitude to the place of beginning shall be and is hereby incorporated temporarily into and made a part of the Territory of Dakota.

Under this change Dakota received the entire range of the Black Hills with the Wind River and Big Horn Mountains, the sources of the Missouri, Yellowstone, Platte and Big Horn rivers, and also Fort Laramie, South Pass and Fremont's Peak, about one-half the territory included four years later in the Territory of Wyoming lying west of Nebraska, which was organized as a separate territory in 1868-69, though its organic act became a law as early as 1866, the delay in organization being due to the disagreement between President Johnson and Congress.

DAKOTA'S MEDICAL SIDE

The Department of Agriculture, United States, says of the soil in the Territory of Dakota:

The lightness and porosity of the freshly upturned soil of Dakota is a marvel to one who would expect sogginess from the luxuriant growth of grass. This lightness suggests sand and shallowness, but we see that it is a salient feature of rich land. Nature has pursued a conservative course toward Dakota, enabling her to hoard her wealth, and her citizens should bear this ever in mind, so as to increase the treasury of this wonderful country. There is no region that I know of with so generally rich a soil.

A scientific authority, Dr. F. C. Duncan, of Chicago, visited Dakota in early years for the purpose of studying its climate, soil and waters, and subsequently published his conclusions, which are very interesting and valuable. He says:

Every country, territory and town has a medical side and none is more interesting than Dakota. The location, ingredients of the soil, water peculiarities and rare atmosphere, no doubt account to a certain extent for its invigorating climate. Besides being rich in agricultural promise it is destined to be a health resort. The effects of the water upon the health brings me to look at the medical side of the water question.

The persons who drink the well water of Dakota should not be troubled with biliousness, at least not until the soda is replaced by potash, which may take place after long cultivation. Those who drink water from the Dakota (James) River should not complain of kidney trouble. The action of magnesia on the bowels is well known. None need buy any purgative pills when alkaline water can be drunk freely. The sick may take it with decided beneficial results. The fat people should visit Dakota and drink bitter well water. It is the anti-fat. The action of the river water upon the digestive organs will be beneficial. There is nothing in these waters that is deleterious to health unless used to excess.

Dakota may yet be as famous for seekers after health as it now is for agricultural interest. I would advise those who would be benefited by a change of climate to visit Dakota. Whether Dakota answers the requirements of a health resort can be gleaned from its characteristics. It is a vast plateau reached from Chicago after passing up through hill and dale, over rivers and picturesque lakes. As far as the eye can reach, for miles and miles, in the growing season, green waving grass and grain is seen below, and a clear blue sky above. The effect upon the mind is most soothing. Dakota is so situated that there are constant breezes coming up the rivers and over the broad expanse of prairie. These increase with the evaporating heavy dews, and wax and wane with the sun, as in California. The lakes and moisture are on the high ground, so that the air is not so dry as in Colorado, therefore there is a large amount of ozone always present.

For dyspeptics, especially, the climate, water and cereal products of Dakota will yet have a great reputation. City business men should take a few weeks' recreation in Dakota, especially in the spring and fall. The mental diversion and physical energy recovered should amply repay them. Young ladies in the East suffering from neurasthenia and ennui, would get health by a short residence in Dakota.

The river and surface water is a mild alkaline water. The chief ingredient is magnesia. The soil is loaded with saline ingredients which increase the nitrogenous elements of the food, rendering Dakota products very healthful and appetizing. The people of Dakota are vigorous, intelligent, enterprising and remarkably hospitable. These are features that in the opinion of many medical men will yet make Dakota a famous health resort.

For consumptives and those suffering from diseases of the lungs in general, it will yet rival Colorado and California, especially for the first stage of lung troubles. The absence of low marshes and malaria make it desirable for those troubled with bilious disorders. For diseases of the kidneys and bladder the water of Dakota is especially valuable, rivaling that of any noted water.

IMMIGRATION, CATFISH, AND GOLD DISCOVERIES

There was a fair immigration into the territory during the summer and fall of 1859 after the Yankton Indians had withdrawn to their reservation. There were two ferry boats in operation on the Big Sioux River during most of the latter part of the season, rope ferries, and both were kept fairly well employed. The immigrants settled along the Big Sioux and Brule Creek valleys and as far west as Vermillion, a few getting into the country tributary to Yankton.

The catfish was an important factor in the settlement of Dakota, and in the opinion of many of the early settlers the food problem would have been a very serious one had it not been for the abundant supply of this best of all fishes right at the threshold of the settlements. It is occasionally remarked in these later times that the people of Dakota are not acquainted with the edible merits of this excellent fish, but send to eastern and western markets for an inferior article, while they have such an inexhaustible supply here at home. The celebrated naturalist Audubon made a very exhaustive investigation of the fishes of the Missouri about the year 1858 and gave it as his opinion that the catfish was a very valuable article of food, containing in due proportions the constituents that form the very best of food fishes. For scores of years the early traders subsisted almost exclusively on a diet of buffalo meat and catfish, having vegetables very rarely and small desire for them. This was before the day of canned vegetables.

The existence of gold in paying quantities in the streams and gulches on the eastern slope of the Rocky Mountains in what is now Montana was known to the old fur traders of nearly three-score years ago. Maj. Alexander Culbertson, a member and manager of the American Fur Company of St. Louis, brought down nearly \$500 in gold nuggets in the fall of 1859, when he was returning to St. Louis from an inspection of the company's business in the upper river. He obtained the gold from white men, who exchanged it for goods at the trading posts on the headwaters of the Missouri, and who were very reticent regarding how they came by it or where they had procured it, though it was no doubt taken out of the placers in that country by the early prospectors. Major Culbertson had for a companion Maj. Charles E. Galpin, another famous frontiersman and fur trader. They spent the night with the Yankton pioneers early in December, 1859, and exhibited some of the gold, consisting of coarse nuggets, telling them that the mountainous regions of the Northwest were rich in auriferous treasures, that there would be a stampede for this country as soon as it became known, and that the only practicable route, on account of its freedom from hardships and danger, was by way of the Missouri River to Fort Benton. These gentlemen had been on the road from Benton sixty days, visiting a number of trading posts on their way down, and traveling by Mackinaw until the river filled with ice, when they procured horses and pack animals. They were going first to St. Louis, thence to Washington, to urge the establishment of a military post near Benton and at one or two other points as a measure of protection, and as a means of preserving peace with the Indians, who would be apt to resent the coming of the whites into the country.

SETTLERS DEMAND A LAWFUL GOVERNMENT

In 1859 the question of securing a political organization for the Territory of Dakota was uppermost in the minds of the settlers. (A preceding chapter tells the story of the efforts of the Sioux Falls pioneers.) It will be readily admitted that there would be little incentive to industry and improvement until the settlers were secure in some form of authorized government that would protect their property and open the avenues for the orderly administration of the law. The Yankton settlers were cordially supported by those of the other settlements along the Missouri slope. United States Senator Fitch introduced a bill to organize the Territory of Dakota and for other purposes December, 1858, which was referred to the territorial committee, but nothing came of it, the treaty not having been ratified, and for the same reason a bill presented by Senator James I. Green, February 4, 1859, was not acted upon. In the House of Representatives on the 29th day of January, 1859, Alexander H. Stephens, who was about two years later elected vice president of the "Confederate States of America," introduced a bill for the establishment of a territorial government in Dakota. This measure got no further than to be referred to the committee.

A settlers' mass convention was held in the Bramble store at Yankton on the 8th day of November, 1859, where resolutions were adopted, and a memorial to Congress setting forth the needs of the people was authorized to be drawn up and circulated throughout the territory for signatures. D. T. Bramble was chairman of the convention, M. K. Armstrong secretary, and J. B. S. Todd, Obed Foote and Thomas Frick the committee on resolutions. George D. Fiske, James M. Stone and Captain Todd composed the committee to draft the memorial. Gen. D. M. Frost, of St. Louis, a heavy stockholder of the "Yankton Land and Town Company" and head of the firm of Frost, Todd & Co., was present at this meeting and made an able speech in support of the movement while the committee on resolutions was preparing its report. Others present were J. R. Hanson, George Pike, Jr., John Stanage, Henry Arend, H. T. Bailey, Enos Stutsman, J. S. Prescho, Frank Chapel, Charles F. Picotte, Felix LeBlanc and Lytle M. Griffith. Because this meeting and a similar gathering at Vermillion were the first formal steps



JOSEPH R. HANSON
Yankton County, Dakota, pioneer of 1858

taken on the Missouri slope to secure the organization of the territory, the proceedings are herein given in full as taken down and preserved in the archives of the "Yankton Claim Club":

Report of the Settlers' Meeting at Yankton and Vermillion to Urge the Organization of Dakota Territory

At a meeting of the citizens of Yankton and vicinity in Dakota Territory, held at Bramble's store on the 8th of November, 1859, Mr. D. T. Bramble was called to the chair and M. K. Armstrong chosen secretary. The object of the convention, as explained by Capt. J. B. S. Todd, was to take into consideration the necessity for a territorial organization and to draw up and sign a memorial to Congress praying for a legal form of government.

On motion of Captain Todd a committee of three was appointed to draft resolutions expressive of the views and wants of the convention. Captain Todd, Obed Foote and Thomas Frick were appointed as such committee. During the absence of the Committee on Resolutions, General Frost of St. Louis was called upon and delivered some encouraging remarks to the settlers, which were listened to with most earnest attention.

The Committee on Resolutions reported as follows:

Whereas, The State of Minnesota, composed in part of the late Territory of Minnesota, has been admitted into the federal Union, and that part of the territory lying outside of the state limits has been declared by resolution of the House of Representatives to be without any distinct legally organized government, "which said resolution was adopted on the 3d day of June, 1858" and the people thereof are not entitled to a delegate to Congress until that right has been conferred upon them by statute, thereby withdrawing from us the protecting shield of the laws of our country and the inestimable privilege of a representative of our wants and wishes at the seat of the Federal Government, and leaving us to be "a law unto ourselves," without providing for the people of the remaining part of the territory any organized government, or guaranteeing to us any of those wholesome provisions by which well ordered society is established, fostered, maintained and protected; and that we are without laws, courts or civil officers, from the mouth of the Big Sioux on the Missouri to Pembina on the Red River of the North; and as we feel the want of those wholesome guards and shields, and of those wholesome rights and privileges, which of right pertain to good citizens, to constitute them a healthy, contented and happy people, to give direction to their will and to provide for their wants in all the forms of government; therefore, be it

Resolved, First, That we, the citizens of Yankton and vicinity in Dakota Territory, earnestly urge upon the Senate and the House of Representatives the condition in which we are placed, not only by the failure of Congress to provide for the people of that part of the Territory of Minnesota outside of the state limits known as Dakota with any form of government, but by withdrawing from them that under which they had lived, and denying to them a representative on the floor of Congress; and by withholding from them laws, courts and civil officers, and thereby creating the necessity of an early organization of a legal form of government.

Second. That the House of Representatives having declared by resolution that "the admission of the State of Minnesota into the Union, with the boundaries prescribed in the act of admission, operate as a dissolution of the territorial organization of Minnesota, and that so much of the late Territory of Minnesota as lies without the limits of the present State of Minnesota, is without any distinct legally organized government," and "the people thereof are not entitled to any delegate in Congress until that right is conferred upon them by statute;" that we do not approve of any election that has been held, nor will we participate in any that may be held, in any portion of this territory, for the purpose of electing a delegate to Congress; but we trust to the wisdom and justice of Congress to provide us with a legal form of government at an early day.

Third. That a committee of three be appointed by this meeting to draft a memorial to the Senate and House of Representatives, expressive of our views, as indicated in the foregoing preamble and resolutions, and that the same be circulated for signatures among the people.

Fourth. That the secretary of this convention communicate the foregoing preamble and resolution to our fellow citizens at their meeting to be held at Vermillion, and also to those to be held at Big Sioux, Bon Homme and at Kitson precincts, and all others that may be called, and to invite their cooperation with us.

Fifth. That the secretary be requested to forward a copy of the proceedings of this meeting to the committee provided for in resolution Third, and that said copy be attached to the memorial therein directed to be drafted and with it forwarded to the Senate and House of Representatives.

On motion of Mr. Chapel the report was unanimously adopted by the convention.

On motion of Mr. Foote the convention appointed J. B. S. Todd, George D. Fiske and J. M. Stone as a committee to draft the memorial designated in resolution Third.

On motion of Mr. Chapel, the secretary was authorized to furnish a copy of the proceedings of this convention for publication in the Sioux City Register and the St. Louis Republican.

Adjourned sine die.

M. K. ARMSTRONG, Secretary

At a meeting of the citizens of Vermillion and vicinity, held at the house of Mr. James McHenry, on the 9th of November, 1859, on motion J. A. Denton was called to the chair and James McHenry was appointed secretary.

The object of the meeting having been explained, on motion of Doctor Caulkins a committee of three was appointed to draft resolutions expressive of the wants of the meeting. Doctor Caulkins, Doctor Whittess and Samuel Mortimer were appointed such committee.

The proceedings of the meeting of the citizens of Yankton having also been communicated to this meeting and their cooperation invited, it was ordered that the preamble and resolutions of that meeting be received by it and the committee on resolutions be requested to consider them. While the committee was absent, General Frost of St. Louis addressed the meeting in a forcible and eloquent manner.

The Committee on Resolutions then reported that it had under consideration the preamble and resolutions of the meeting at Yankton and begged leave to report them to this meeting for adoption, as embracing everything necessary to be done. The preamble and resolutions having been read, the committee was discharged and the preamble and resolutions unanimously adopted as the views of the meeting. There being no further business before the meeting it adjourned sine die.

(Signed)

JAS. MCHENRY, Secretary.

The memorial was a strong paper and had been prepared with considerable care. Though it failed to secure the affirmative action of Congress at this session, it made a very favorable impression upon the members. It called attention to the necessity and justice of furnishing the citizens of the United States who were here with some form of government. It set forth the situation as it existed regarding the absence of any legal authority in the form of local government, the exposed condition of the settlers to hostile Indians or white desperadoes, the absence of all forms of protection to property except that extended by the settlers to one another in their voluntary associations, the difficulty of pursuing any industry or commercial pursuit where an established credit protected by law was a great advantage, and the utter lack of any method by which titles could be acquired, thus delaying important and much needed improvements. The memorial was signed by every settler on the Missouri slope, whose numbers as attested by this document reached the surprising total of 428. It was taken to Washington in December following by Captain Todd. No copy of it was preserved, which is to be regretted, and the original may possibly be reposing in a pigeon hole of the archives of the Committee on Territories in either Senate or House. No action was taken by Congress in response to this memorial.

Joseph R. Hanson is the only one who attended this meeting who is present today at roll call. H. T. Bailey, however, is a prominent citizen of Aten, Cedar County, Nebraska, and occasionally pays a visit to his early friends and acquaintances on this side of the river.

In 1859 Frost, Todd & Co. sold their Sioux City store to L. D. Parmer and the firm name was changed to that of D. M. Frost & Co., Captain Todd and Mr. Atkinson retiring.

D. M. Frost of this firm had been engaged in the fur trading business along the Upper Missouri for a number of years prior to the opening of Dakota to settlement by the whites. He was a native of New York and had been an officer in the regular army, having graduated at West Point in the year 1844. He served with distinction during the Mexican war, and had resigned his commission in 1853 for the purpose of taking up this fur trading enterprise. He also took an active part in the politics of Missouri, was elected to the Legislature of that state from St. Louis, and became a general of the state militia. He conducted a farm in connection with his other employments, was largely interested in securing the treaty of cession from the Yankton Indians, and aided materially in securing the organization of Dakota Territory. He was a man of wealth and good general ability. On the breaking out of the Civil war in 1861 he joined the Southern Confederacy and attained to the rank of a brigadier general. He was still living near St. Louis at the close of the last century.

The winter of 1859-60 passed away very quietly. It was a dull winter and the spirit of enterprise and improvement among the settlers was more fanciful

than real. The question of territorial organization was all-absorbing. The pioneers felt that they would be seriously handicapped until Congress furnished them a government under which they could go forward with their work and improvements, secure in their property rights. The advantages to spring from an organization had been canvassed over and over again until it seemed that with it they would rapidly achieve fortunes—that immigration would pour in, capital would crowd upon them for investment, their landed interests would rapidly increase in value and many other benefits would follow. Captain Todd spent the winter in Washington working with members of Congress to facilitate the passage of an organic act, and while the feeling was friendly, the active friends of organization found it impossible to push the measure through, and Congress finally adjourned, leaving the territory helpless so far as government was concerned. This condition served as a serious damper on all enterprise during the year 1860.

AN ORGANIC ACT

On the 15th of January, 1861, a second territorial mass convention was held in Bramble's store at Yankton for the purpose of promoting the long deferred organization of the territory. It was not, however, a time when conditions seemed to favor the affirmative action of Congress, and the settlers were by no means sanguine of success, but encouraged by recent advices from General Todd, who was in Washington laboring with Congress, the settlers at Yankton felt it their duty to support his efforts as best they could. The nation was on the verge of a long and sanguinary civil war. Congress was torn with dissensions and absorbed in efforts to avert the impending national calamity. Many of the southern states had passed ordinances of secession, and their senators and representatives had abandoned their seats and returned to their homes to join in the hostilities that rapidly followed. An earnest and carefully prepared memorial was the result of the convention. This document was neatly enrolled and signed by 478 pioneers, which probably included the entire population of the territory and possibly some of Picotte's kindred, and was then forwarded to the presiding officer of the Senate. Little more than a month remained before Congress would adjourn and a new administration be installed in power, so that the importance of speedy action and unceasing effort was very apparent. Fortune favored the pioneers despite the many discouraging circumstances of that time. February 14, 1861, Senator Green from the Committee on Territories reported a bill "To provide a temporary government for the Territory of Dakota and to create the office of surveyor general therein," which passed the Senate the 26th of the same month, passed the House March 1st, and received the approval of President Buchanan March 2d, less than forty-eight hours before his term as president expired. It was eleven days later, on the 13th of March, when the good news reached Dakota. There were no telegraph lines north of St. Joseph, Missouri, at that time, and none that extended very far west of the Mississippi River in Iowa, so the good tidings traveled slowly. But it reached Dakota and found the pioneers in a mood to receive it and give it a most generous welcome. It is said that the shouts of joy that went up made the welkin ring and started a jack rabbit stampede for the distant bluffs that was a sight to behold. Laboring men (and all were of this honorable class) took a day off and went about congratulating one another in language vigorous; there were handshakes that would abash a pump handle in energetic motion, and laughter loud and long and hearty, and other smiles. Songs were sung and jigs were danced and eloquent speeches of excellent quality and generous quantity were a feature of the joyous occasion. There were no bonfires, but an abundance of hot air and fervid words. It was a never-to-be-forgotten occasion and the enactment of the law was rightly regarded as an important progressive step in Dakota's career.

THE ORGANIC ACT

The organic act is here given in full:

An act to provide a temporary government for the Territory of Dakota and to create the office of surveyor general therein.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that all that part of the territory of the United States included within the following limits, namely:

Commencing at a point in the main channel of the Red River of the North where the 49th degree of north latitude crosses the same, thence up the main channel of the same, and along the boundary of the State of Minnesota, to Big Stone Lake; thence along the boundary line of the said State of Minnesota to the Iowa line; thence along the boundary line of the State of Iowa to the point of intersection between the Big Sioux and Missouri rivers; thence up the Missouri River and along the boundary line of the Territory of Nebraska to the mouth of the Niobrara or Running Water River; thence following up the same in the middle of the main channel thereof, to the mouth of the Keha Paha or Turtle Hill River; thence up said river to the 43d parallel of north latitude; thence due west to the present boundary of the Territory of Washington; thence along the boundary line of Washington Territory to the 49th degree of north latitude; thence east along said 49th degree of latitude to the place of beginning, be, and the same is, hereby organized into a temporary government by the name of the Territory of Dakota; Provided, That nothing in this act contained shall be so construed as to impair the rights of person or property now pertaining to the Indians in said territory, so long as such right shall remain unextinguished by treaty between the United States and such Indians, or to include any territory which by treaty with any Indian tribe is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any state or territory; but all such territory shall be excepted out of the boundaries and constitute no part of the Territory of Dakota, until said tribe shall signify their assent to the President of the United States, to be included within the said territory; or to affect the authority of the Government of the United States to make any regulations respecting such Indians, their lands, property or other rights, by treaty, law or otherwise, which it would have been competent for the Government to make if this act had never passed; Provided further, That nothing in this act contained shall be construed to inhibit the Government of the United States from dividing said territory into two or more territories in such manner and at such times as Congress shall deem convenient and proper, or from attaching any portion thereof to any other territory or state.

Section 2. And be it further enacted, That the executive power and authority in and over said Territory of Dakota shall be vested in a governor who shall hold his office for four years and until his successor is appointed and qualified unless sooner removed by the President of the United States. The governor shall reside within said territory, shall be commander-in-chief of the militia thereof, shall perform the duties and receive the emoluments of superintendent of Indian affairs, and shall approve all laws passed by the Legislative Assembly before they shall take effect; he may grant pardons for offenses against the laws of said territory, and reprieves for offenses against the laws of the United States until the decision of the President can be made known thereon; he shall commission all officers who shall be appointed to office under the laws of said territory, and shall take care that the laws be faithfully executed.

Section 3. And be it further enacted, That there shall be a secretary of said territory who shall reside therein, and who shall hold his office for four years, unless sooner removed by the President of the United States. He shall record and preserve all the laws and proceedings of the Legislative Assembly, hereinafter constituted; and all the acts and proceedings of the governor in his executive department; he shall transmit one copy of the laws and one copy of the executive proceedings on or before the first day of December in each year, to the President of the United States, and at the same time two copies of the laws to the speaker of the House of Representatives and to the President of the Senate, for the use of Congress; and in case of the death, removal or resignation or other necessary absence of the governor from the territory the secretary shall have and is hereby authorized and required to execute and perform all the powers and duties of the governor during such vacancy or necessary absence or until another governor shall be duly appointed to fill such vacancy.

Section 4. And be it further enacted, That the legislative power and authority of said territory shall be vested in the governor and Legislative Assembly. The Legislative Assembly shall consist of a council and house of representatives. The council shall consist of nine members, which may be increased to thirteen, having the qualifications of voters as herein-after prescribed, whose term of service shall continue two years. The house of representatives shall consist of thirteen members, which may be increased to twenty-six, possessing the same qualifications as prescribed for members of the council, and whose term of service shall continue one year. An apportionment shall be made as nearly equal as practicable among the several counties or districts for the election of a council and house of representatives, giving to each section of the territory representation in the ratio of its population (Indians excepted)

as near as may be; and the members of the council and of the house of representatives shall reside in and be inhabitants of the district for which they may be elected respectively. Previous to the first election the governor shall cause a census or enumeration of the inhabitants of the several counties and districts in the territory to be taken; and the first election shall be held at such time and places, and be conducted in such manner as the governor shall appoint and direct; and he shall at the same time declare the number of the members of the council and house of representatives to which each of the counties or districts shall be entitled under this act. The number of persons authorized to be elected having the highest number of votes in each of said council districts for members of the council shall be declared by the governor to be elected to the council; and the person or persons authorized to be elected having the highest number of votes for members of the house of representatives equal to the number to which such county or district shall be entitled shall be declared by the governor to be elected members of the house of representatives; Provided, That in case of a tie between two or more persons voted for, the governor shall order a new election to supply the vacancy made by such tie. And the persons thus elected to the Legislative Assembly shall meet at such place and on such day as the governor shall appoint; but thereafter the time, place and manner of holding and conducting all elections by the people and apportioning the representation in the several counties or districts to the council and house of representatives according to the population, shall be prescribed by law, as well as the day of the commencement of the regular sessions of the Legislative Assembly; Provided, That no one session shall exceed the term of forty days, except the first, which may be extended to sixty days, but no longer.

Section 5. And be it further enacted, That every free white male inhabitant of the United States above the age of twenty-one years who shall have been a resident of said territory at the time of the passage of this act, shall be entitled to vote at the first election and shall be eligible to any office within the said territory; but the qualifications of voters and of holding office, at all subsequent elections, shall be such as shall be prescribed by the Legislative Assembly; Provided, That the right of suffrage and of holding office shall be exercised only by citizens of the United States and those who shall have declared on oath their intention to become such, and shall have taken an oath to support the Constitution of the United States.

Section 6. And be it further enacted, That the legislative power of the territory shall extend to all rightful subjects of legislation consistent with the Constitution of the United States and the provisions of this act; but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States nor shall the lands or other property of non-residents be taxed higher than the lands or property of residents; nor shall any law be passed impairing the rights of private property; nor shall any discrimination be made in taxing different kinds of property; but all property subject to taxation shall be taxed in proportion to the value of the property taxed.

Section 7. And be it further enacted, That all township, district and county officers, not herein otherwise provided for, shall be appointed or elected, as the case may be, in such manner as shall be provided by the governor and Legislative Assembly of the territory. The governor shall nominate and by and with the advice and consent of the legislative council, appoint all officers not herein otherwise provided for; and in the first instance, the governor alone may appoint all said officers, who shall hold their offices until the end of the first session of the Legislative Assembly, and he shall lay off the necessary districts for members of the council and house of representatives and all other officers.

Section 8. And be it further enacted, That no member of the Legislature shall hold or be appointed to any office which shall have been created, or the salary or emoluments of which have been increased while he was a member during the term for which he was elected and for one year after the expiration of such term; and no person holding a commission or appointment under the United States, except postmasters, shall be a member of the Legislative Assembly or shall hold any office under the government of said territory.

Section 9. And be it further enacted, That the judicial power of said territory shall be vested in a Supreme Court, District courts, Probate courts and in justices of the peace. The Supreme Court shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and who shall hold a term at the seat of government of said territory annually and they shall hold their offices during the period of four years. The said territory shall be divided into three judicial districts and a District Court shall be held in each of said districts by one of the justices of the Supreme Court at such time and place as may be prescribed by law; and the said judges shall, after their appointment respectively, reside in the districts which shall be assigned them. The jurisdiction of the several courts herein provided for both appellate and original, and that of the Probate courts and of justices of the peace shall be as limited by law; Provided, That justices of the peace shall not have jurisdiction of any matter in controversy when the title or boundaries of land may be in dispute or where the debt or sum claimed shall exceed one hundred dollars. And the said Supreme and District courts respectively shall possess chancery as well as common law jurisdiction; and authority for the redress of all wrongs committed against the Constitution or laws of the United States or of the territory, affecting persons or property. Each District Court, or the judge thereof, shall appoint its clerk, who shall also be the register in chancery, and shall keep his office at the place where the court may be held. Writs of error, habeas corpus, and appeals, shall be allowed in all cases from the first decisions of said District

to the Supreme Court under such regulations as may be prescribed by law; but in no case removed to the Supreme Court shall trial by jury be allowed in said court. The Supreme Court or the justices thereof shall appoint its own clerk, and every clerk shall hold his office at the pleasure of the court for which he shall have been appointed. Writs of error and appeals from the final decisions of said Supreme Court shall be allowed, and may be taken to the Supreme Court of the United States, in the same manner and under the same regulations as from the Circuit courts of the United States, where the value of the property or the amount in controversy to be ascertained by the oath or affirmation of either party, or other competent witness, shall exceed one thousand dollars; and each of said District courts shall have and exercise the same jurisdiction in all cases arising under the laws and Constitution of the United States as is vested in the Circuit or District courts of the United States, and the said Supreme and District courts of said territory and the respective judges hereof shall and may grant writs of habeas corpus in all cases in which same are grantable by the judges of the United States in the District of Columbia; and the first six days of every term of said courts, or as much thereof as shall be necessary, shall be appropriated to the trial of cases arising under the said Constitution and laws, and writs of error and appeals in all such cases shall be made to the Supreme Court of said territory the same as in all other cases and the said clerk shall receive the same fees as the clerks of the District courts of Nebraska Territory now receive for similar services.

Section 10. And be it further enacted, That there shall be appointed an attorney for said territory, who shall continue in office for four years unless sooner removed by the President, and who shall receive the same fees and salary as the attorney of the United States for the present Territory of Nebraska. There shall also be a marshal for the territory appointed, who shall hold his office for four years unless sooner removed by the President, and who shall execute all processes issuing from the said courts when exercising their jurisdiction as circuit or district courts of the United States; he shall perform the duties, be subject to the same regulations and penalties and be entitled to the same fees as the marshal of the district courts of the United States for the present Territory of Nebraska, and shall, in addition, be paid \$200 annually as a compensation for extra services.

Section 11. And be it further enacted, That the governor, secretary, chief justice and associate justices, attorney and marshal shall be nominated and by and with the advice and consent of the Senate, appointed by the President of the United States. The governor and secretary to be appointed as aforesaid, shall, before they act as such, respectively take an oath or affirmation before the district judge or some justice of the peace within the limits of said territory duly authorized to administer oaths and affirmations by the laws now in force therein, or before the chief justice or some associate justice of the Supreme Court of the United States to support the Constitution of the United States and faithfully to discharge the duties of their respective offices, which said oaths, when so taken, shall be certified by the person by whom the same shall have been taken, and such certificate shall be received and recorded among the executive proceedings; and the chief justice and associate justices and all other civil officers in said territory, before they act as such, shall take a like oath or affirmation before the said governor or secretary or some judge or justice of the peace of the territory who may be duly commissioned and qualified, which said oath or affirmation shall be certified and transmitted by the person taking the same to the secretary, to be by him recorded as aforesaid; and afterwards the like oath or affirmation shall be taken, certified and recorded in such manner and form as may be prescribed by law. The governor shall receive an annual salary of \$1,500 as governor and \$1,000 as superintendent of Indian affairs; the chief justice and associate justices shall each receive an annual salary of \$1,800; the secretary shall receive an annual salary of \$1,800. The said salaries shall be paid quarterly at the Treasury of the United States. The members of the Legislative Assembly shall be entitled to receive \$3.00 each per day during their attendance at the session thereof, and \$3.00 for every twenty miles travel in going to and returning from said sessions, estimated according to the nearest usually traveled route. There shall be appropriated annually the sum of \$100,000 to be expended by the governor to defray the contingent expenses of the territory. There shall also be appropriated annually a sufficient sum to be expended by the secretary of the treasury of the United States, to defray the expenses of the Legislative Assembly, the printing of the laws and other incidental expenses, and the secretary of the territory shall annually account to the secretary of the treasury of the United States for the manner in which the aforesaid sum shall have been expended.

Section 12. And be it further enacted, That the Legislative Assembly shall hold its first session at such time and place in said Territory of Dakota as the governor thereof shall appoint and direct; and at such first session, or as soon thereafter as they shall deem expedient, the governor and Legislative Assembly shall proceed to locate and establish the seat of government for said territory at such place as they may deem eligible, which place, however, shall thereafter be subject to be changed by the said governor and Legislative Assembly.

Section 13. And be it further enacted, That a delegate to the House of Representatives of the United States, to serve during each Congress of the United States, may be elected by the voters qualified to elect members of the Legislative Assembly, who shall be entitled to the same rights and privileges as are exercised and enjoyed by the delegates from the several other territories of the United States to the said House of Representatives. The first

election shall be held at such time and places and be conducted in such manner as the governor shall appoint and direct, and at all subsequent elections the times, places and manner of holding the elections shall be prescribed by law. The person having the highest number of votes shall be declared by the governor duly elected and a certificate thereof shall be given accordingly.

Section 14. And be it further enacted, That when the land in said territory shall be surveyed under the direction of the Government of the United States, preparatory to bringing the same into the market, sections numbered sixteen and thirty-six in each township in said territory shall be and the same is hereby reserved for the purpose of being applied to schools in the state hereafter to be erected out of the same.

Section 15. And be it further enacted, That temporarily, and until otherwise provided by law, the governor of said territory may define the judicial districts of said territory and assign the judges who may be appointed for said territory to the several districts and also appoint the times and places for holding courts in the several counties or subdivisions in each of said judicial districts by proclamation to be issued by him, but the Legislative Assembly at their first session may organize, alter or modify such judicial districts and assign the judges, and appoint the times and places of holding the courts as to them shall seem proper and convenient.

Section 16. And be it further enacted, That the Constitution and all laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory of Dakota as elsewhere within the United States.

Section 17. And be it further enacted, That the President of the United States, by and with the advice and consent of the Senate, shall be and is hereby authorized to appoint a surveyor general of Dakota who shall locate his office at such place as the secretary of the interior shall from time to time direct, and whose duties, powers, obligations, responsibilities, compensation, and allowances for clerk hire, office rent, fuel and incidental expenses shall be the same as those of the surveyor general of Nebraska and Kansas under the direction of the secretary of the interior, with such instructions as he may from time to time deem it advisable to give him.

Section 18. And be it further enacted, That so much of the public lands of the United States in the Territory of Dakota west of its eastern boundary and east and north of the Niobrara or Running Water River, be formed into a land district to be called the Yankton District at such and at such time as the President may direct, the land office for which shall be located at such point as the President may direct and shall be removed from time to time to other points within said district whenever, in his opinion, it may be expedient.

Section 19. And be it further enacted, That the President be and he is hereby authorized to appoint, by and with the advice and consent of the Senate, a register and receiver for said district, who shall respectively be required to reside at the site of said office, and who shall have the same powers, perform the same duties and be entitled to the same compensation as are or may be prescribed by law in relation to other land offices of the United States.

Section 20. And be it further enacted, That the river in said territory heretofore known as the River aux Jacques or James River, shall hereafter be called the Dakota River.

Section 21. And be it further enacted, That until Congress shall otherwise direct, that portion of the Territories of Utah and Washington, between the forty-first and forty-third degrees of north latitude and east of the thirty-third meridian of longitude west from Washington shall be and are hereby incorporated into and made a part of the Territory of Nebraska.

Approved March 2, 1861.

JAMES BUCHANAN.

Attest: WM. H. SEWARD, Secretary of State.

The name "Dakota" had been applied to this country by common consent after the admission of Minnesota as a state in 1858, and was so designated from the powerful Indian nation that claimed and occupied the greater portion of the territory at that time. The territory covered an area of about three hundred and fifty thousand square miles, extending from Minnesota and Iowa on the east to the dividing ridges of the Rocky Mountains on the west, and from the Missouri, Niobrara and Kaha Paha rivers and the 43d parallel of north latitude on the south to the 49th parallel on the north.

Rev. John P. Williamson, of Yankton Agency, who had spent possibly a half century as a missionary and teacher among the Sioux Indians of Minnesota and Dakota, writing of the derivation and meaning in the English tongue of Indian names, tells us the proper meaning of two or three which will interest Dakotans. His letter was called out by the Dakota proceedings in Congress and comments

made by well-known Sioux interpreters. It may be understood that there was no better living authority on this subject than Mr. Williamson. He writes that :

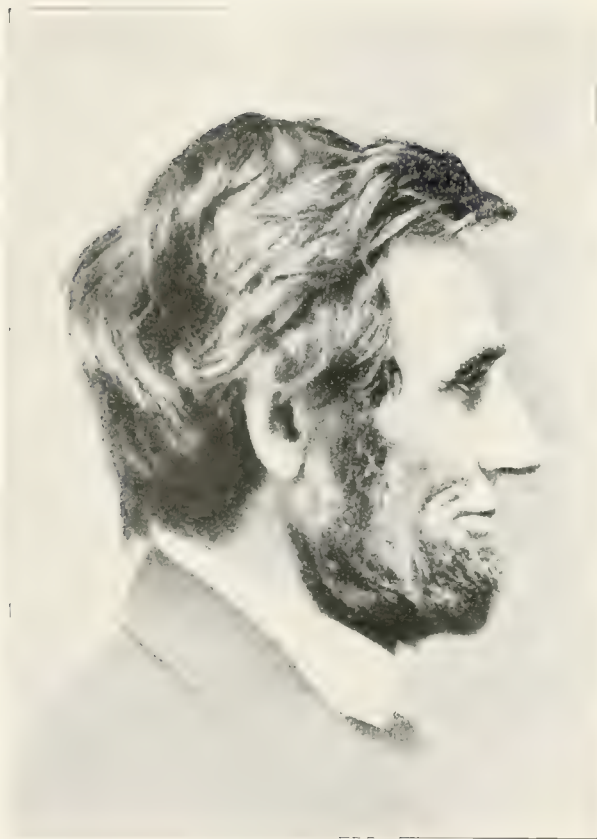
The derivation of proper names is often obscure, but happily for future historians the title of our coming state is derived from no obsolete tongue, and all intelligent Dakotans will give but one answer as to the meaning of the word "Dakota," and that is that it means "friends" or "allies." The Dakota Nation is the nation of friends, and the State of Dakota will doubtless honor the name and be a state of friends.

As to "Lakota," the women use that form no more than the men. All the Teton or Western Sioux use "L" entirely for "D," hence Lakota for Dakota.

As to Minnesota, it means neither "plenty of water" nor "muddy water." Minnesota might mean "muddy water," and Minneshoshe (the Dakota name for the Missouri River), means "muddy water."

Minnesota is harder to define because of the want of any equivalent word in the English language. I should translate Minnesota "hazy water."

JOHN P. WILLIAMSON.



LINCOLN IN 1861

CHAPTER XVIII

ORGANIZATION OF THE TERRITORIAL GOVERNMENT— FIRST ELECTION

1861

FIRST DAKOTA OFFICIALS—FIRST NEWSPAPER—GOVERNOR CAUSES CENSUS TO BE TAKEN—WHITE AND RED POPULATION—FEDERAL OFFICIALS RENDEZVOUS AT YANKTON—GOVERNOR JAYNE CALLS ELECTION AND ASSIGNS JUDGES—FIRST POLITICAL CONVENTION AND FIRST ELECTION—THE VOTE BY PRECINCTS—LEGISLATURE CHOSEN AND CAPTAIN TODD ELECTED TO CONGRESS—PERSONAL SKETCHES OF FIRST OFFICIALS.

President Abraham Lincoln was inaugurated on the 4th of March, 1861. In the following month of April he made the following appointments for the Territory of Dakota:

Governor, Dr. William Jayne, Springfield, Ill.; secretary, John Hutchinson, Minnesota; chief justice, Philemon Bliss, Ohio; associate justice, J. P. Williston, Pennsylvania; associate justice, Joseph L. Williams, Tennessee; United States district attorney, W. E. Gleason, Maryland; United States marshal, William E. Shaffer, Missouri; surveyor general, George D. Hill, Michigan.

On the 6th of June, 1861, the *Weekly Dakotian* was issued at Yankton by the *Dakotian Printing Company*, composed of Frank M. Ziebach and William Freney, both young journalists and practical craftsmen from Sioux City, where they were engaged in the publication of the *Sioux City Register*, a democratic weekly newspaper, and the only paper at that time published in Northwestern Iowa. The *Dakotian* was the first newspaper published in the Territory of Dakota after the passage of the organic act. The office of publication was in the log building on the west side of Broadway, near Second Street, built in 1850 by John Patterson. Mr. Frank M. Ziebach was the editor and did a good portion of the mechanical labor besides. He was a number one journalist and a master printer. He needed to have a thorough knowledge of the printing art in order to overcome the many difficulties that are met with in establishing and printing a newspaper in a frontier settlement.

During the month of June, 1861, Newton Edmunds reached Yankton from Ypsilanti, Michigan. He came to open up the office of surveyor general, of which he was chief clerk, and set the machinery in motion for the surveying of the public lands. Mr. Edmunds secured office accommodations in the Bramble building, corner of Front and Walnut streets, known on the early plats as Elm Street.

On the 27th of August, 1861, the surveyor general issued the following notice:

By direction of the honorable commissioner of the general land office, bearing date of July 29, 1861, the surveyor general of this territory is directed to receive declaratory statements of settlers until the opening of the local land office. Notice accordingly is hereby given that this office is now open for the reception of such declaratory statements which may now be filed in this office as fast as the surveys are completed and townships platted.

G. D. HILL, Surveyor General Dakota Territory.

By N. EDMUNDS, Chief Clerk.

William Jayne, the new governor, came in June, accompanied by William Shaffer, United States marshal, and established the executive office in a log structure on Broadway, opposite the Ash Hotel. This log structure thus became the first capitol building of Dakota, inasmuch as the governor began the work of organization in that humble structure, and made it his domicile, official and personal, for a number of weeks. He had no authority to locate the capital and the organic act gave no direction as to the seat of government further than to authorize the Legislative Assembly to locate it. As the Legislative Assembly was not yet in existence, the governor carried the seat of government with him and issued his proclamations and official documents from the "Town of Yankton."

VOTING POPULATION IN 1861

The governor proceeded without delay to set the wheels of government in motion. His first official act was the appointment of persons to take the census of the territory. He appointed Henry D. Betts, Wilmot W. Brookings, Andrew J. Harlan, Obed Foote, George M. Pinney and J. D. Morse census agents. He assigned to H. D. Betts that portion of the territory embracing all the settlements on or contiguous to the Red River and at St. Joseph and vicinity. Wilmot W. Brookings was assigned to the Sioux Falls district, embracing settlements on the Big Sioux River north of the Brule Creek settlement and south of the Big Stone Lake. Andrew J. Harlan was assigned to that part of the territory embracing all the settlements from the Brule Creek settlement to the mouth of the Big Sioux, and all settlements on the Missouri River between the mouth of the Big Sioux and east of the line between ranges 53 and 54, the west boundary of Clay County. Obed Foote was assigned to that part of the territory lying on the Missouri bounded on the east by the range line between ranges 53 and 54, and bounded on the west by the range line between ranges 57 and 58, the west boundary of Yankton County. George M. Pinney was assigned to that part of the territory lying on the Missouri bounded on the east by the range line between ranges 57 and 58, and bounded on the west by Choteau Creek. J. D. Morse was assigned that portion of the territory lying between the Missouri and Niobrara rivers, and that portion on the Missouri bounded on the east by Choteau Creek, and running west and north to include the Pease and Hamilton settlements.

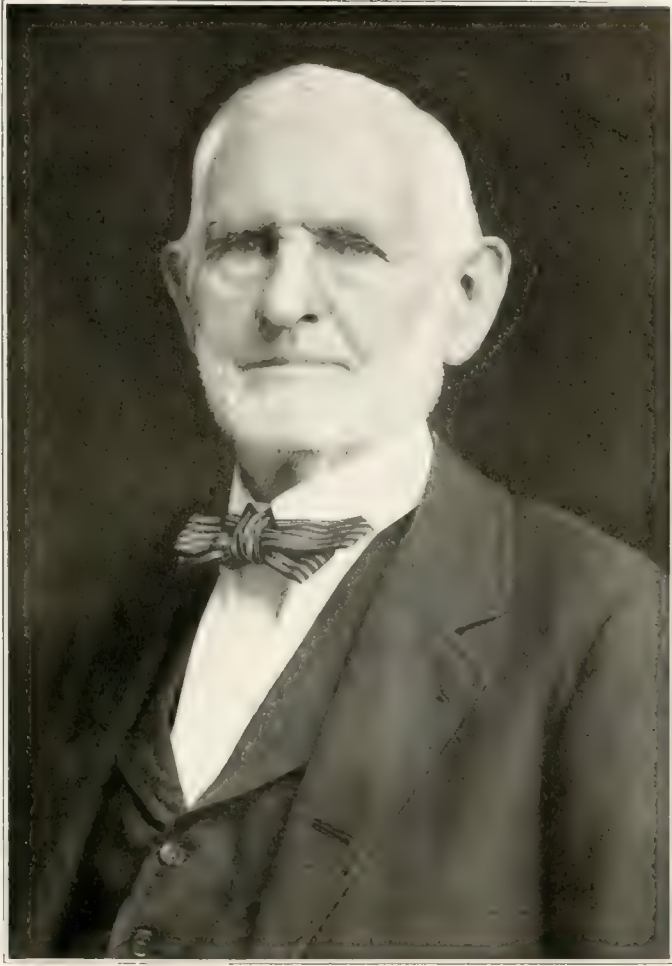
The following is a summary of the census returns filed with the executive:

RED RIVER DISTRICT

Whole number white males.....	51	
Whole number of white females.....	28	79
Mixed males	264	
Mixed females	260	524

VERMILLION AND THE BIG SIOUX DISTRICT

Brule Creek	Whole number white males.....	31	
	Whole number white females.....	16	47
Point on Big Sioux.....	Whole number of white males.....	47	
	Whole number of white females.....	32	
	Half breeds	25	104
Elk Point	Whole number white males.....	35	
	Whole number white females.....	21	
	Half breeds	5	61
Vermillion	Whole number white males.....	152	
	Whole number white females.....	100	
	Half breeds	7	265
Bottom and Clay Creek.....	Whole number white males.....	131	
	Whole number white females	88	219



WILLIAM JAYNE
First Territorial Governor

Sioux Falls District.....	Whole number white males.....	59	
	Whole number white females.....	50	66
Yankton District	Whole number white males.....		
	Whole number white females.....	278	
	Half breeds	9	287
Bon Homme District.....	Whole number white males.....	102	
	Whole number white females.....	61	163
WESTERN DISTRICT			
Pease and Hamilton Settlements	White population	53	
	Half breeds	128	181
Fort Randall	Whole population	210	210
Yankton Agency	White population	29	
	Half breeds	47	76
Ponca Agency and Vicinity....	White population	95	
	Half breeds	34	129
Total population of territory.....			2,376

Upon receiving these returns the governor expressed himself as dissatisfied with the returns from the Red River as being underrated, because a large number of the settlers were off on their annual summer hunt; and he regarded the returns made by Mr. Morse of the Western district overrated, and that the agent had been deceived by representations made to him.

The report of the census taken by the Federal Government in 1860, which was the year following the treaty with the Yanktons and also the year preceding the passage of the organic act, gave to the Territory of Dakota the following agricultural and livestock productions: Eighty-four horses, 19 mules, 286 milch cows, 318 working oxen, 338 other cattle, 22 sheep and 287 swine. In grain and other farm products, 915 bushels of wheat, 700 bushels of rye, 20,296 bushels of corn, 250 bushels of oats, 286 bushels of peas and beans, 9,489 bushels of potatoes, 1,670 pounds of butter, 1,122 tons of hay and 20 gallons of maple molasses. Number of white population, 2,128. This was supposed to represent the entire area afterward included within the boundaries prescribed in the organic act.

According to the census of 1860, the Territory of Dakota contained a population of 2,376, and of this number the Pembina country contained 1,606, considerably more than half, but the Pembina population had a much greater proportion of mixed-bloods than the other portions of the territory in the south.

William E. Gleason, the attorney general of the territory, was the next to arrive after the governor. Mr. Gleason was rather a fastidious gentleman from Maryland—a staunch, southern republican of the Henry Winter Davis school. His apparel fitted his station and tradition has it that he came crowned with a stovepipe hat. The governor, aware of the limited accommodations in town, courteously invited him to share his quarters in the humble structure of cottonwood logs, and Mr. Gleason graciously accepted, conceiving that he could stand anything a governor could. So he placed his effects in the gubernatorial chamber and lodged in his official apartments. Mr. Gleason's first concern was to find water and a suitable vessel for a wash basin, which the executive office had strangely neglected to provide. Some wag related that the governor, when appealed to by the attorney, told him that there was an abundance of water in the Missouri, pointing toward the river, which was free to all. Mr. Gleason proved himself a very capable official and a genuine southern gentleman, nevertheless.

Yankton appears to have been selected as the rendezvous for the newly appointed federal officials prior to their coming to the territory.

Reference has been made to the organization of a provisional government at Sioux Falls and the earnest efforts of the pioneers there to secure an organization of the territory in their interest, which is treated at length in former chapters. Their efforts seem to have been intelligently and aggressively directed, and their failure was due to conditions beyond their control. Had the organization come a year earlier, as the Sioux Falls parties anticipated, while Buchanan was president, it would probably have been Sioux Falls and not Yankton, for the reason that the governor and other leading democrats of Minnesota, and many of Iowa, who stood high in the councils of the party, were active in its support. The appointment of Governor Jayne gave Yankton a valuable advantage. He was from Springfield, Ill., the home of the President, and a personal friend. Captain Todd, who had been at the head of all the movements on the Missouri slope leading up to the organization, was also a former Springfield man and a cousin of Mrs. Lincoln. There is no doubt that Captain Todd, who had high hopes of Yankton, and had arranged to enter the townsite under his treaty privilege, and who was also a very skillful plan maker, had arranged the place of rendezvous at Yankton, for hither all the federal officers came in the beginning. It will be admitted by all unprejudiced people that Yankton possessed natural advantages of a superior and prepossessing character that would have exerted a favorable influence on the minds of unbiased men who were looking for an official and domestic residence, but at that day its natural advantages comprised about all its possessions.

The census having been returned, the governor proceeded to issue a proclamation dividing the territory into legislative districts and calling an election for members of the Legislative Assembly and a delegate to Congress, and a second proclamation creating the judicial districts and assigning the judges. These proclamations are here given in full:

PROCLAMATION TO THE PEOPLE OF DAKOTA TERRITORY

Whereas, the Organic Act organizing a temporary government for the Territory of Dakota, has provided for the election of one delegate to Congress and for a Legislative Assembly consisting of nine councilmen, whose term of office shall be two years, and thirteen members of the House of Representatives, whose term of office shall be for one year; and whereas,

In pursuance of the provisions of the Organic Act, I have caused to be taken a census, or enumeration of the inhabitants of said Territory, and upon said census returns, I have divided and apportioned the said Territory into Council and Representative districts, as follows, to-wit:

All the portion of the Dakota Territory lying between the Missouri River and the Big Sioux River, and bounded on the west by the range line dividing ranges fifty and fifty-one, and that portion of the Dakota Territory lying west of the Red River of the North and including the settlement at and adjacent to Pembina and St. Joseph, shall compose the First Council District, to be entitled to two Councilmen.

All that portion of Dakota Territory bounded by the Vermillion River on the west and bounded on the east by the range line dividing ranges fifty and fifty-one, shall compose the Second Council District, and be entitled to two Councilmen.

All that portion of Dakota Territory bounded by the Vermillion River on the east and bounded on the west by the range line dividing ranges fifty-three and fifty-four, shall compose the Third Council District, and be entitled to one Councilman.

All that portion of Dakota Territory bounded on the east by the range line dividing ranges fifty-three and fifty-four, and bounded on the west by the range line dividing ranges fifty-seven and fifty-eight, shall compose the Fourth Council District, and be entitled to two Councilmen.

All that portion of Dakota Territory bounded on the east by the range line dividing ranges fifty-seven and fifty-eight, and bounded on the west by Choteau Creek, shall compose the Fifth Council District, and be entitled to one Councilman.

All that portion of Dakota Territory bounded on the east by Choteau Creek and on the west by a line west of and including that settlement known as the Hamilton Settlement, and also that portion of Dakota Territory situated between the Missouri River and the Niobrara River, shall compose the Sixth Council District, and be entitled to one Councilman.

All that portion of Dakota Territory situated between the Missouri and the Big Sioux rivers, and bounded on the west by the range line dividing ranges fifty and fifty-one, and bounded on the north by the township line dividing townships ninety-four and ninety-five, shall compose the First Representative District, and be entitled to two Representatives.

All that portion of Dakota Territory lying west of the Big Sioux River and bounded on the south by the township line dividing townships ninety-four and ninety-five, and on the west by the range line dividing ranges fifty and fifty-one, and on the north by a line drawn due east and west from the south end of Lake Preston, shall constitute the Second Representative District, and shall be entitled to one Representative.

All that portion of Dakota Territory lying on the Red River of the North, including the settlements of St. Joseph and Pembina, shall compose the Third Representative District, and be entitled to one Representative.

All that portion of Dakota Territory bounded by the Vermillion River on the west, and bounded on the east by the range line dividing ranges fifty and fifty-one, shall compose the Fourth Representative District, and be entitled to two Representatives.

All that portion of Dakota Territory bounded by the Vermillion River on the east, and bounded on the west by the range line dividing ranges fifty-three and fifty-four, shall compose the Fifth Representative District, and shall be entitled to two Representatives.

All that portion of Dakota Territory bounded by the range line dividing ranges fifty-three and fifty-four on the east, and bounded on the west by the range line dividing ranges fifty-seven and fifty-eight, shall compose the Sixth Representative District, and be entitled to two Representatives.

All that portion of Dakota Territory bounded on the east by the range line dividing ranges fifty-seven and fifty-eight, and on the west by Choteau Creek, shall compose the Seventh Representative District, and be entitled to two Representatives.

All that portion of Dakota Territory bounded on the east by Choteau Creek, and bounded on the west by a line drawn west of, and to include the settlement known as the Hamilton Settlement, and also that portion of Dakota Territory situated between the Missouri and Niobrara rivers, shall compose the Eighth Representative District, and be entitled to one Representative.

Now, therefore, I, William Jayne, Governor of said Territory, by authority vested in me by the Organic Act, do proclaim that an election will be held on Monday, the 16th day of September, 1861, for one Delegate to Congress, and nine Councilmen, and thirteen members of the House of Representatives, who shall be elected in the several districts as above apportioned. At which election the polls shall be opened at 9 o'clock A. M., and close at 6 o'clock P. M.

I do hereby establish, in the aforesaid district, the following places for voting:

In the first Representative District, at the dwelling house of Thomas Maloney, and do appoint as Judges of Election thereat, William Matthews, James Summers and Thomas Maloney; and also at the hotel of Eli Wixson, in Elk Point, and do appoint as judges of election thereat Sherman Clyde, William Frisbie and K. P. Romme.

In the Second Representative District, at the house of William Amida, and do appoint as judges, George B. Waldron, Barney Fowler and John Kelts.

In the Third Representative District, at the house of Charles LeMay, in the town of Pembina, and do appoint as judges, Charles LeMay, James McPettridge and H. Donelson; also at the house of Baptiste Shorette in the town of St. Joseph, and do appoint as judges, Baptiste Shorette, Charles Bottinau and Antoine Zangran.

In the Fourth Representative District, at the house of James McHenry, and do appoint as judges, A. J. Harlan, Ole Anderson and A. Eckles.

In the Fifth Representative District, at the house of Bly Wood, and do appoint as judges, Ole Oldeson, Bly Wood and Ole Bottlofson.

In the Sixth Representative District, at the house of Frost Todd & Company, and do appoint as judges, M. K. Armstrong, Frank Chapel and J. S. Presho.

In the Seventh Representative District, at Herrick's Hotel in Bon Homme, and do appoint as judges, Daniel Gifford, George M. Pinney and George Falkingberg.

In the Eighth Representative District, at the house of F. O. Pease, and do appoint as judges, J. V. Hamilton, Benjamin Estes and Joseph Ellis; and also at Gregory's Store, and do appoint as judges, Charles Young, James Tufts and Thomas Imall.

If one of the Judges of Election be absent or decline to serve, the two judges present shall select a third person, to act as judge, but if two or more judges be absent or decline to serve, then a majority of the voters present will elect persons to fill such vacancies.

A majority of the judges at each election poll will select two competent persons to act as Clerks of Election.

The voting shall be by ballot and the qualifications such as are prescribed by the Organic Act, to wit:

Every free white male inhabitant of the United States above the age of 21 years, who shall have been a resident of the Territory at the time of the passage of the Organic Act, shall be entitled to vote at the first election, provided that the right of suffrage and of holding office shall be exercised only by citizens of the United States, and those who have declared by oath their intention to become such, and shall have taken an oath to support the Constitution of the United States.

Every voter shall be required to vote in that district in which he resided at the time of the issuing of this proclamation.

The judges and clerks are required to observe the following regulations:

1st. On the morning of election, the first judge of the list will administer to the other two judges the oath of office by me prescribed, and one of the other two having been sworn shall administer the like oath to the first on the list.

2nd. Having taken the oath, they will appoint two clerks, who shall take before one of the judges, the oath by me prescribed.

3rd. The ballots will be deposited in ballot box furnished.

4th. The judges will not receive the vote of any person, unless they believe that the person offering to vote is entitled to vote by the Organic Act, and should his right be doubted by the judges, or should he be challenged by any person, the vote will not be received unless the person offering to vote shall state under oath (administered by one of the judges), that he is a free white person and a citizen of the United States, or has on oath declared his intention to become such, that he is 21 years of age and that he resided in this Territory on the 2nd day of March, 1861, when the Organic Act was passed, and that he has not voted previously on that day.

5th. The Clerks of the Election shall record in two separate books by me furnished, the name of each person voting, as it shall be given him by the judges, and shall certify to the correctness of the list of votes polled.

6th. Immediately after closing the polls the judges and clerks shall proceed to count the votes, and shall set down in the poll books the number of votes cast for each person, and for what office and certify to the same.

7th. After the votes shall have been counted, they shall be replaced in the ballot box, the box and ballot box sealed, and together with the certificates of the judges and clerks, shall be taken by one of the judges or clerks to the Governor of the Territory, at Yankton, Dakota Territory.

In testimony whereof I have subscribed my name and caused my seal to be affixed. Done at the Town of Yankton, this 29th day of July in the Year of Our Lord One Thousand Eight Hundred and Sixty-one.

By the Governor,

WILLIAM JAYNE.

JOHN HUTCHINSON,
Secretary of the Territory.

It will be observed that this proclamation calls for a delegate to Congress and members of the Legislative Assembly only. There were no counties, no local laws, and therefore no territorial or county offices to be filled. Those were to be provided by the Legislative Assembly yet to be held.

PROCLAMATION

I, William Jayne, Governor of Dakota Territory, by the authority vested in me by the Organic Act, do hereby proclaim that the said Territory shall be divided into the following named and described Judicial Districts:

All that portion of Dakota Territory bounded on the east by the east line of the Territory; on the west by the range line dividing ranges 53 and 54 (the line dividing Day and Yankton counties), and on the north by the north line of the Territory, shall constitute the First Judicial District.

All that portion of Dakota Territory bounded on the east by the range line dividing ranges 53 and 54, on the south by the south line of the Territory; on the west by the range line dividing ranges 57 and 58 (the line dividing Yankton and Bon Homme counties), and on the north by the north line of the Territory, shall constitute the Second Judicial District.

All that portion of Dakota Territory bounded on the east by the range line dividing ranges 57 and 58; on the south by the south line of the Territory; and on the north by the north line of the Territory, shall constitute the Third Judicial District.

I do declare that L. P. Williston has been assigned as Judge of the First Judicial District, and that the place for holding the terms of Court will be at Vermillion; that Philomon Bliss has been assigned as Judge of the Second Judicial District, and that the place for holding the terms of Court will be at Yankton, and that Joseph L. Williams has been assigned as Judge of the Third Judicial District, and that the place for holding the terms of Court will be at Bon Homme.

In the First Judicial District Court will be held commencing on the first Monday in August, 1861, and thereafter there will be holden annually, two terms of Court, the first commencing on the 3rd Monday in May and the second commencing on the 3rd Monday in September.

In the Second Judicial District, Court will be held commencing on the 3rd Monday in August, 1861, and thereafter there will be holden annually two terms of Court, the first commencing on the first Monday in May and the second commencing on the first Monday in September.

In the Third Judicial District, Court will be held commencing on the 3rd Monday in August, 1861, and thereafter there will be holden annually two terms of Court, the first

term commencing on the third Monday in April, and the second term commencing on the third Monday in October.

There will be holden annually at the Seat of Government of the said Territory, one term of the Supreme Court, commencing on the first Monday in June.

In testimony whereof I have hereunto signed my name and caused the seal of the said Territory to be hereunto affixed. Done at the Town of Yankton this 30th day of July, in the Year of Our Lord, One Thousand Eight Hundred and Sixty-one.

By the Governor,

WILLIAM JAYNE.

Attest, JOHN HUTCHINSON,
Secretary of the Territory.

The reader will observe that the districts had their southern boundary on the Missouri River and the northern boundary on the international boundary line.

PEN PORTRAITS OF FIRST TERRITORIAL OFFICERS

Of the first federal officials Judge Bliss was the patriarch in point of years, and the frosts of age had already grizzled his finely shaped head, and a full beard of corresponding whiteness covered his cheeks and chin. He did not cultivate a mustache. The judge was a finely formed man, full six feet tall, but his studious habits more than the encroachments of age had already given him a slightly stooping posture. He was a lawyer of ability, a quiet, deliberate man and self possessed at all times. As a judge he gained the confidence of the settlers on sight. He was about fifty years of age, but appeared considerably older.

Judge Williams of the Fort Randall district was next to Bliss in age, and was a learned man, a good lawyer, and a conscientious official. He was a Tennessean, accustomed to something more than the ordinary or necessary comforts of life, and found pioneering in Dakota difficult to assimilate. He was greatly bereaved during his term by the death of his son, who was his companion and just growing into promising manhood. Judge Williams was inclined to reticence and solitude. He was of medium height and form, wore a full beard and carried a cane more as a convenience than a necessity.

Judge Williston of the Vermillion district was younger than his brothers of the bench, and much the largest. He was an able lawyer and an excellent judge. He was a portly man, somewhat florid, and the prey of Dakota fleas and mosquitoes. These pests at time so wrought upon his temper that he was led to speak disparagingly of the country in language terse and emphatic. Judge Williston was about forty years of age and nearly six feet tall.

Judge Bliss resigned in 1864 and settled at St. Joseph, Missouri, where he engaged in journalism; Judge Williston was transferred to the bench of Montana in 1863 and was succeeded by Ira Bartlett, of Kankakee, Illinois; and Judge Williams returned to Tennessee at the expiration of his term.

Gov. William Jayne was about thirty-six years of age at the time he was appointed. He was a physician and had enjoyed an extensive practice in Sangamon County, Illinois, his home being at Springfield. He was an active man, in vigorous health, wore a beard which was of a dark brown color. His height was about five feet ten inches. He was a man of liberal education and of practical ability. His first message was an able paper containing much information, abounding in remarkable and unerring predictions regarding Dakota's future. He was the candidate of the republican and union party for delegate to Congress against General Todd in 1862, and was awarded the certificate of election by the territorial board of canvassers. General Todd contested his right to the seat. Jayne was given the seat in January, 1864, but lost it upon the final hearing a few months later, Congress allowing the Red River vote, which was in Todd's favor. He then returned to his former home in Springfield, Illinois, where he still resides. He has been several times elected mayor of the city, and now, though over eighty-six years of age, is a member of the State Board of Charities and Corrections.

John Hutchinson, the territorial secretary, was a western man. He had been through the border troubles of Kansas, but was appointed from Minnesota. He

was a lawyer of good ability, and owed his appointment to the personal friendship of Hon. William H. Seward, the secretary of state of President Lincoln's cabinet. Hutchinson was about thirty two years of age, about five feet eight inches in height and slightly round shouldered, was married, and in 1862 brought his wife to Yankton and became a bona fide citizen of the territory. He was the only one of the commissioned federal officers to do this and it made him quite popular. Mr. Hutchinson was a black haired man, very full beard, dark complexion, nervous temperament. He was devoted to his family, attentive to his official duties, and quite socially disposed. He was reappointed at the expiration of his term in 1865, but resigned within a month to accept the consulship to Leghorn, Italy, desiring to give his daughter the advantage of a foreign residence and study. He returned in 1869 or 1870 and entered upon the practice of law in Chicago, which he continued until his death some twenty years later.

Gen. George D. Hill of Ann Arbor, Michigan, the first surveyor general, was a man of distinguished appearance, fine intellect and fair education. He was well versed in the theory and practice of agriculture, and had been prominently before the people of his state as a speaker and writer on agricultural topics for years. He was over six feet tall, quite corpulent, always carefully dressed, auburn hair and full whiskers tinged with gray, but no mustache. Quite a pompous sort of man, fond of good living, but seriously lacking the element of popularity, due largely to his custom of giving surveying contracts to his Michigan friends who were non-residents, and to an unfortunate parsimoniousness that he made unnecessarily conspicuous, and an unpardonable habit of forgetfulness that gave rise to reports that injured his standing among the people. But he was one of the most useful of Dakota's first officials, nevertheless, because of his well grounded faith in the natural resources of the territory. He was the first to take hold of the practical work of inducing immigration to the territory, and his knowledge of the merits of our soil and climate and his study of the vegetation in the valleys and on the plains enabled him to talk convincingly on that subject. He labored in this field in Michigan and was mainly instrumental in inducing the New York colony of nearly one hundred families to settle in Dakota in 1864. Mr. Hill was a candidate for reappointment but failed to get it. He returned to Ann Arbor, where he resided until his death, which occurred about 1890. He made but one visit to Dakota after his retirement from office—this was in 1888. He came with Judge James Tufts and went on to Niobrara, presumably on some business connected with early days, but the mission, whatever it was, proved unsuccessful. It was observable at this time that Mr. Hill's faculties had been seriously impaired and his robust vigor had declined. His life had not been a success, and after his return to Michigan from this visit the decline was more rapid, terminating within a year or two in his death. He should be kindly remembered for his valuable labors in behalf of the infant territory and his unfaltering and rock-rooted faith in the capabilities of Dakota's soil and climate. He was ever constant in sounding their merits, and this too in the face of many discouraging circumstances.

William E. Gleason, of Maryland, was the first United States attorney. He was quite a young man, highly gifted and well educated. He was a southern republican and had been appointed through the influence of his friend, Henry Winter Davis, of Maryland, who at that time was the national leader of the radical wing of the republican party. Mr. Gleason was a sparely built, willowy man about five feet eleven inches tall, long dark hair, black eyes, beard and mustache, and not to exceed thirty years of age. In habit he was quite fastidious, and while his speech betrayed his southern origin it also disclosed the best and the highest sounding phrases the language afforded. He had a fine legal education and was ardently devoted to his profession. His extreme sensitiveness was responsible for many of the difficulties he encountered, leading him at times to suspect when there were no grounds for suspicion. It would seem that there are some unfortunate persons who are so morbidly sensitive that they imagine every-

thing they say and every act they commit is being overheard or watched, commented upon and criticized; and yet the weakness of undue vanity should not be ascribed to them. It is an inborn trait that only time and experience and rough knocks can only partially blunt of its torturing propensity. Mr. Gleason's official duties, like those of all the other officials, were not onerous but he gave conscientious attention to them and his career as the legal representative of the Government was marked by fidelity, integrity and ability. He was extremely courteous, accommodating and generous, though his salary and emoluments were not sufficient to defray his necessary expenses, being but \$250 a year and certain fees. The law governing his office and that of the marshal presupposed that the fees would be sufficient to make the office desirable and the income princely, whereas the fees amounted to less than the salary during Mr. Gleason's term and there was no private practice. Mr. Gleason, like Judge Bliss, did not unite with the governor and some of the other federal officials in territorial political matters, but became the chief counselor and advisor of General Todd and his friends. This created a serious estrangement which continued throughout his term as attorney for the Government. His political alliance with the Todd interest did not seem to affect his standing at Washington and when his term expired in 1865 he was appointed to succeed Joseph L. Williams as associate justice of Dakota. He served a few months of this term, was then appointed consul to Bordeaux, France, and with the expiration of that term returned to Baltimore, where he died some years later.

William F. Shaeffer, who was appointed United States marshal and was the first incumbent of that office in Dakota, was a Missourian, and when appointed was out at Pike's Peak in what had been Arrapahoe County, Kansas, though soon after organized as the Territory of Colorado. He was a young man, not over thirty years of age, of prepossessing appearance, good address, and well qualified for his office. He remained in the territory about a year attending court in Vermillion, Yankton and Fort Randall. He was not satisfied with his position, and furthermore was an ardent Union man and desired to enter the Government military service. He resigned in 1862 and went back to Missouri and was no more heard from by his limited acquaintances here.

None of the first officers were widowers. All were married except Gleason and Shaeffer, who were bachelors.

As a rule, these first officials were a very temperate class of men. The governor, chief justice and attorney neither drank intoxicants nor used tobacco. Judge Williams smoked but if he drank anything it was very sparingly. Judge Williston was likewise an abstainer. Secretary Hutchinson had been a Kansas pioneer long enough to become an occasional moderate drinker, but seldom smoked. General Hill was quite fond of the "bubbles that swim on the beaker's brim," and enjoyed a good story even if he had to tell it himself. Take the first officials as a body, and without disparagement to their successors to the present day, they were their equals if not superiors in point of intellectual attainments.

Looking upon these first officials from the present day point of view we are led to believe that all of them were disappointed when they came face to face with Dakota and into actual possession of their offices. They had expected more than they found. Even the simplest of ordinary physical comforts were largely wanting; there was neither school nor church, a small number of log huts and but a moderate prospect of more improvement. They had all literally got in on the "ground floor," and were in time to assist in laying the first foundation of the social as well as political structure. The governor, chief justice and secretary were accompanied by their wives as far as Sioux City. At that point they were apprised of the prevailing newness of civilization west of the "Jim," and the ladies were left at Hagy's one-story hotel fronting the river, where the host would take you out of doors and along a good piece of sidewalk when he came to "show you up" to your lodging place.

FIRST POLITICAL MOVEMENTS

In its earliest days Dakota attained a reputation because of the interest manifested by its settlers in political matters. It was said that Dakota contained more politicians in proportion to the whole population than any other section of the Union. The first political convention was held at Vermillion on June 1, 1861. The following were the proceedings:

In response to a call, the people of Dakota Territory met in mass convention at Vermillion, on Saturday, June 1, 1861, at 2 o'clock P. M., and organized a national union party. George M. Pinney, of Bon Homme, was elected chairman, and A. W. Puett, of Vermillion, secretary. The following platform was adopted:

Resolved, That we, as citizens of Dakota Territory, are unanimously in favor of maintaining inviolate the Constitution of the United States and the enforcement of all the laws of Congress and the perpetuity of the Union.

Resolved, That we pledge our cordial support to the governor and secretary of this territory in maintaining the Organic Act and especially the sacred right of elective franchise.

Resolved, That we are in favor of a liberal homestead law, giving 160 acres of our public domain to all native and naturalized citizens who will make homes thereon, and that we will only support such a man for Congress, who is not only in favor of such a measure, but whose antecedents warrant us in believing him to be unwavering in his position.

Resolved, That we fully and frankly endorse the policy of the present administration in relation to our national difficulties, believing that it is both patriotic and just.

Resolved, That monopolies of all kinds are dangerous to the interests of the masses, and often disastrous, and especially the holding for speculative purposes of large tracts of the best portion of a new country, and we earnestly call upon all citizens of Dakota Territory to aid us in preventing the extension of present land monopolies in this territory or the inauguration of new ones.

Resolved, That this convention nominate A. J. Bell as our candidate for delegate to Congress.

Resolved, That we pledge our individual support to the nominee of this convention, Hon. A. J. Bell.

After the passage of the resolutions, Mr. Bell was introduced and made an excellent speech, receiving the applause of the convention, after which the convention adjourned with nine hearty cheers for A. J. Bell.

GEORGE M. PINNEY, Chairman.

A. W. PUETT, Secretary.

This was considered the first territorial party convention held in Dakota. The proceedings furnish no names except those of Pinney and Puett, and Bell, all republicans, and while the proceedings designated it as a national union convention, it was popularly called a republican convention. Except Mr. Pinney, it was claimed that those who participated in the convention were all from Vermillion. Mr. Bell, the nominee, was not a voter under the organic act. He had come in from Minnesota in May. He was a man of good ability. At the time the convention was held neither the governor nor any of the federal officers had reached the territory. There had been no election called, and no doubt a prejudicial impression got abroad among the voters because of the apparent haste to hold the convention, possibly, for the purpose of forestalling political action in which all the settlements might participate. It was suggested that Mr. Pinney was disappointed that the nomination for delegate did not fall to him, and it was remarked after the election was held, that the Bon Homme precinct, which Mr. Pinney represented, and the Yankton precinct, gave no vote for Mr. Bell.

About the 1st of September, Charles P. Booge, who held the position of trader at the Yankton Indian agency, was nominated by a convention held at Bon Homme.

There was no convention held to nominate General Todd. He was in the field and his friends and supporters were very active and comparatively numerous. Although himself a democrat, he did not want to go to Congress at that time representing any party, and he was aware that a large proportion of the republican voters were supporting him, believing that he could accomplish more for the territory under existing conditions than any other citizen of the territory,

having borne the leading part in all public affairs from the beginning of the negotiations for the treaty of cession, and from his connection with Mr. Lincoln, being a cousin of Mrs. Lincoln's, and wide acquaintance with public men and general knowledge of public business, would be able to secure for the young territory many favors from the departments which a stranger in the territory and at Washington would fail in procuring.

The time for the first election under the organic act called by the governor's proclamation to be held on the 16th of September was rapidly approaching and the settlers were largely occupied with state affairs and in considering who should be their first law makers. Three candidates for delegate to Congress had been placed in the field. Capt. J. B. S. Todd, himself an old line democrat, whose services in bringing about the organization of the territory had made him by far the most prominent and influential man in Dakota was being supported by the substantial element of citizens without regard to their party affiliations and without a convention.

Mass conventions were held in the different settlements for the nomination of candidates for the Legislature. While the sentiment in most districts was practically unanimous for Todd for Congress there was considerable strife over the selection of candidates for the Legislature. Non-partisanship was the popular cry, and nearly all advocated the abolition of party lines for this election, at the same time it was apparent that the views of the voter as to non-partisanship were very largely influenced by his political antecedents, and the majority of the voting population in the legislative districts as well as a majority of the leaders were democrats. At this time, and for a long number of years prior, the democratic party was in the lead in the nation and in a majority of the states, in fact the United States since the formation of the Constitution had been, a large portion of time, under democratic control, though not always under the democratic title.

The first formal political movement in Yankton was made on the 17th day of August, 1861, when the following non-partisan call was issued.

The voters of the Sixth Representative District of Dakota Territory are requested to assemble in mass convention at Yankton, in said district, at 1 o'clock P. M., on the 24th day of August, A. D. 1861, for the purpose of nominating two councilmen and two representatives for the Territorial Legislature to be voted for on the 16th day of September, 1861.

Signed: John Stanage, J. M. Stone, M. K. Armstrong, D. T. Bramble, William Miner, William Thompson, Lytle M. Griffith, F. Chapel, E. Stutsman, D. Fisher, J. D. Morse.

In accordance with this call which is signed by six democrats and five republicans the convention was held and the proceedings are here given in full:

Pursuant to notice the people of the Sixth Representative District assembled in mass convention at Yankton on the 24th day of August, 1861. On motion of A. M. English, Dr. J. Townsend was called to the chair, and on motion of T. A. McLeese, J. D. Morse was appointed secretary. Upon taking the chair Doctor Townsend made a few remarks, stating that the object of the meeting was for the purpose of nominating two councilmen and two representatives, and closing with an urgent appeal that harmony might prevail.

Enos Stutsman moved that the convention proceed to vote for one representative to the Legislature, which was carried. T. A. McLeese nominated M. K. Armstrong. There being no opposing candidate, on motion of Obed Foote, Mr. Armstrong was nominated by acclamation. W. P. Lyman nominated John Stanage. No other name being proposed, Mr. Stanage was nominated by acclamation.

Frank Chapel nominated Enos Stutsman for the council. There being no opposition, Mr. Stutsman was nominated by acclamation. W. P. Lyman nominated D. T. Bramble for the council. Being the only person proposed, Mr. Bramble was nominated by acclamation.

On motion the chair appointed the following committee of five on resolutions: Enos Stutsman, M. K. Armstrong, James M. Stone, J. R. Hanson and James M. Allen. The committee reported the following.

Resolved, That the legal voters of the Sixth Representative District of Dakota Territory, in mass convention assembled, do most cordially endorse the war policy of the present administration, in all endeavors to put down rebellion, and preserve the Constitution and union of states.

Resolved, That in the organization of this great territory we fully recognize the confidence that Congress has reposed in our ability to govern ourselves, and therefore we pledge our

earnest endeavors, with the aid of the officials of the territory, to preserve peace, enforce the laws, establish society and build up a territorial government which will be an honor to ourselves and an ornament to the Union.

Resolved, That in view of the value of economy of time and money as one of the essential objects of legislation, we shall demand of the men this day put in nomination that they use diligent exertion to forward and close up the business of the Legislature in as short a term as may be consistent with the best interests of the people.

Resolved, That we advocate the policy of free ferry charters on James River, allowing to each man the right to run a ferry on his own premises so long as it does not conflict with claims of another.

Resolved, That we pledge our earnest and united support to the candidates this day put in nomination by this convention, and also to J. B. S. Todd for delegate to Congress.

W. H. Allen moved that the resolutions be adopted in a body. An amendment was offered by James M. Stone that each resolution be adopted separately. Amendment lost. The resolutions were then adopted.

On motion the convention adjourned.

J. TOWNSEND, President.

J. D. MORSE, Secretary.

It might have been a mere accident but the result of the convention's labors was a ticket composed entirely of democrats and while there were a number of staunch republicans in the convention and in the town, they were not recognized on the ticket.

This omission was the cause of considerable feeling. At the same time it will be conceded that the gentlemen who were nominated were among the ablest and most enterprising citizens of the county, and in point of representative ability and length of residence could not have been improved upon materially. The resolutions, it will be observed, strongly endorse the war policy of President Lincoln and affirmed staunch loyalty to the Union.

The restoration and preservation of the Union was the only question of importance, and both political parties in the North adhered to the Union cause, though there were some minor differences that served to identify the two parties and create sufficient estrangement to keep them divided.

As a sequel to the convention above reported, two of the parties attending it, both life long and leading republican citizens took occasion a few days later to have printed and circulated the following: (The Yankton newspaper, The Weekly Dakotian, was started in June, 1861).

Editor Dakotian: In your last issue we notice our names given as two of the committee appointed to draft resolutions adopted at our late district convention. In reference to that we wish to say that it was without our consent or even knowledge that we were placed upon that committee and that we had no voice in drafting the resolutions and were opposed to their being adopted "in a body" and in favor of their being taken up "separately." Against a portion of them we had not one word to say, while against the balance we are most bitterly opposed.

The proceedings of that convention were not, in our opinion, conducted on those principles of fairness which should characterize an occasion fraught with so much importance to this place and territory, and we do not consider ourselves bound, in the slightest degree, by them.

The meanness to which some of the nominees of that convention stooped to gain their nomination, exhibits an imbecility of mind indicative of no future political good to them.

Our names being on that committee carries with it the inference that we helped make and endorse those resolutions, while our course and actions since that day have been in direct opposition. We wish that our records may stand unpolluted by any such foul blot.

We said on the day of that convention that we would use our utmost exertion to defeat the ticket then put in nomination, and we now know no good reason why we should change our course of action.

J. R. HANSON,
J. M. STONE.

The outcome of this convention difficulty was another legislative ticket made up of J. B. Greenway and William Thompson for the councilmen and James M. Stone and Otis B. Wheeler for the House. They were placed in nomination without the formality of a convention.

While the territorial campaign was marked by a good share of excitement and feeling, mostly occasioned by the energetic and eloquent campaigners on their



DR. JUSTUS TOWNSEND

First physician, 1861

election tours from various points and by the resolute activity of the independent candidate for Congress, Mr. Booge, the affair passed off without serious disturbance. The election came off September 16th, and a statement is here given of all the votes polled at the various precincts in the territory for all candidates.

ELECTION RETURNS FOR DELEGATE TO CONGRESS

First Representative District	
Maloney Precinct, Willow Big Sioux Point—	
J. B. S. Todd.....	24
A. J. Bell	2
Chas. P. Booge	9
Elk Point Precinct—	
J. B. S. Todd.....	2
A. J. Bell	15
Chas. P. Booge	11
Second Representative District	
Sioux Falls Precinct—	
J. B. S. Todd.....	2
A. J. Bell	27
Chas. P. Booge	3
C. Booge	1
Third Representative District	
Red River, Pembina Precinct—	
J. B. S. Todd.....	15
Red River, St. Joseph Precinct—	
J. B. S. Todd.....	171
Fourth Representative District	
Vermillion Precinct—	
J. B. S. Todd.....	22
A. J. Bell	27
Chas. P. Booge	4
Fifth Representative District	
West Vermillion Precinct—	
J. B. S. Todd.....	17
A. J. Bell	26
Sixth Representative District	
Yankton Precinct—	
J. B. S. Todd	86
Chas. P. Booge	1
Seventh Representative District	
Bon Homme Precinct—	
J. B. S. Todd.....	2
A. J. Bell	1
Chas. P. Booge	52
Eighth Representative District	
West of Choteau Creek—	
J. B. S. Todd.....	27
Chas. P. Booge	28
Ponka Precinct (now Gregory County)—	
J. B. S. Todd.....	2
Chas. P. Booge	1
Recapitulation	
Whole number of votes cast.....	28
J. B. S. Todd.....	147
A. J. Bell	47
Chas. P. Booge	67
C. Booge	1

ELECTION RETURNS FOR REPRESENTATIVES

First Representative District	
Elk Point Precinct—	A. R. Phillips..... 12
	John McBride..... 11
	— McBride..... 3
	Christopher Maloney..... 10
	John R. Wood..... 18
Second Precinct, Big Sioux	A. R. Phillips..... 10
	John McBride..... 23
	Christopher Maloney..... 25
	John R. Wood..... 11
Second Representative District	
Sioux Falls Precinct—	G. P. Waldron..... 9
	G. W. Waldron..... 1
	James McCall..... 1
Third Representative District	
Pembina Precinct, Red River—	Hugh S. Donaldson..... 15
St. Joseph Precinct—	Hugh S. Donaldson..... 158
	Louis Lacarter..... 1
Fourth Representative District	
Vermillion Precinct—	Lyman Burgess..... 44
	A. W. Puett..... 32
	Hans Gunderson..... 24
Fifth Representative District	
West Vermillion Precinct—	Jacob A. Jacobson..... 41
	Bligh Wood..... 27
	Christian Lawson..... 12
	Ole Bottlefson..... 4
Sixth Representative District	
Yankton Precinct—	M. R. Armstrong..... 53
	John Stanage..... 32
	J. M. Stone..... 29
	Ole Sampson..... 22
	Otis B. Wheeler..... 28
Seventh Representative District	
Ben Hurme Precinct	Geo. M. Primey..... 53
	Reuben Wallace..... 51
Eighth Representative District	
West of Cheyenne Creek—	John L. Tiernon..... 27
	Henry Price..... 27
Parker Precinct (South of Fort Randall)	John L. Tiernon..... 28

ELECTION RETURNS FOR COUNCILMEN

First Council District	
First Precinct, Big Sioux	Austin Cole..... 27
	Eb B. Winson..... 15
	William Matthews..... 15
	W. W. Brookings..... 13

Elk Point Precinct—	Austin Cole	16
	E. B. Wixson	15
	W. W. Brookings	12
	W. Matthews	12
Sioux Falls Precinct—	W. Brookings	9
	Austin Cole	5
	Eli B. Wixson	3
Pembina Precinct—	Jas. McFetridge	15
St. Joseph Precinct—	Jas. McFetridge	18
	Charles Grant	18
	Louis Lacerte	45
Second Council District		
Vermillion Precinct—	H. D. Betts	34
	J. W. Boyle	36
	Nelson Miner	25
	Miles Hall	12
Third Council District		
West Vermillion—	Jacob Deuel	43
Fourth Council District		
Yankton Precinct—	Enos Stutsman	81
	D. T. Bramble	76
	William Thompson	5
	John B. Greenway	6
Fifth Council District		
Bon Homme Precinct—	John H. Shober	52
Sixth Council District		
West of Choteau Creek—	J. Shaw Gregory	26
	Freeman Norval	30
Ponka Precinct—	J. Shaw Gregory	29
	James Norval	1

The returns of the election were made to the governor of the territory, who canvassed the vote, and a certificate of election was issued to the person having the highest number of votes for the respective office. There were no contests, but it was rarely that this could be said of subsequent elections.

CHAPTER XIX

DAKOTA IN THE CIVIL AND INDIAN WARS

1861

BEGINNING OF THE CIVIL WAR—FORT SUMTER BESIEGED AND CAPTURED BY THE SECESSIONISTS—FIRST CALL FOR VOLUNTEERS—POSITION OF MONARCHICAL GOVERNMENTS—UNION SENTIMENT AMONG THE PIONEERS—DAKOTA CAVALRY AUTHORIZED—COMPANY A RECRUITED AND MUSTERED IN—THE MUSTER ROLL—COMPANY STATIONED TO PROTECT SETTLEMENTS—DR. W. A. BURLEIGH, INDIAN AGENT—HIS EARLY EXPERIENCES.

BEGINNING OF THE CIVIL WAR

The people of the United States were at this time in a condition of great excitement and alarm caused by the attempted secession from the Union of nearly all the southern or slave states. Southern senators and representatives had been withdrawing from Congress during the winter of 1860-61, their states having through their Legislatures, or in convention, passed ordinances of secession, which they regarded as severing the political and territorial ties which had connected their states with the United States of America, and relieved them of their fealty to that Government. Armies had been levied in the South, and acts of hostility against the Government were committed before Mr. Buchanan's term expired in March, 1861. The inauguration of Abraham Lincoln as President was the signal for open revolt and acts of war. Fort Sumter, in Charleston Harbor, was assailed by the batteries of South Carolina under command of General Beauregard, April 12, 1861, and Major Anderson, the commanding officer of the fort, was finally compelled to evacuate the fort after contending with the besieging force of 3,000, equipped with an abundance of heavy artillery, that had been the property of the United States. Sumter had been virtually destroyed for defensive purposes before Anderson hoisted the white flag in token of surrender. He had held out five days in the face of an incessant cannonade hoping to be relieved by reinforcements, at the end of which time he gave up the fort, securing from Beauregard exemption from capture as prisoners, with leave to return North on a Government vessel. Anderson then marched out and embarked for Fortress Monroe.

On the 15th of April, two days after the surrender of Sumter, President Lincoln issued a call for 75,000 volunteers for three months army service, that being the time which the United States authorities believed ample to put down the rebellion and bring the recalcitrant rebels back to their allegiance. Southern leaders of the rebellion were just as sanguine of an early termination of the struggle in their favor. No one seemed to grasp the magnitude of the great contest upon which this country had entered, or even so much as imagined that there were to be four years of terrible war, such as the world had seldom if ever witnessed, which this nation was destined to pass through before the difficulties and extreme differences of three fourths of a century's accumulations, would be settled by the stern arbitrator of arms and peace restored. None could believe that it would require over a million men for each contestant—the flower of the country's gallant

sons—and billions of money, before the rebellious forces would acknowledge defeat, and the revolting states be restored to their places in the Union. No one apparently suspected that in addition to the domestic enemy, this young republic had never secured the sincere friendship of England, France, Spain or Germany, and the moral as well as financial support of these monarchies, or their wealthy subjects sustained the rebellion under a belief and a hope that it would destroy the system of free government that had been adopted by the United States, and which monarchy had sullenly and wishfully predicted would be a failure. Kings saw in this rebellion a possible means to overthrow and destroy the work of Washington and his compeers, and it had the sympathy of those rulers who feared its example, if successful, upon their fettered subjects. Russia was an exception, however, and stood openly and actively by the young republic, and sent its fleets to our waters to defend our shores if necessary against foreign interference. Confederate bonds were freely sold to a vast amount in the markets of Europe and munitions of war and ships purchased with the proceeds. The South furnished the soldiers and the blood for the Confederacy—Europe the “sinews of war.”

In the fall of 1861, the War Department authorized the governor of Dakota to raise two companies of cavalry for the War of the Rebellion, to be employed in patrolling and garrison duty in the territory. Three recruiting stations were established by Governor Jayne, by proclamation of December 7, 1861, viz.: At Yankton, Vermillion, and a third at Bon Homme, at that time the three principal towns on the Missouri slope. Elk Point did not begin to be a “principal town” until the following year, though a number of settlers had occupied lands in its vicinity. The governor appointed J. Kendrick Fowler, a brother-in-law of Secretary Hutchinson, recruiting officer at Yankton; Nelson Miner at Vermillion, and James M. Allen at Bon Homme. These recruiting officials entered at once upon their duties, and Company A had raised its complement of men during the winter following and was mustered into the service of the United States at Yankton in April, 1862. Its commissioned officers when mustered in were Nelson Miner, captain, Vermillion; J. K. Fowler, 1st lieutenant, Yankton; Frederick Ploghoff, 2nd lieutenant, Bon Homme. The company rendezvoused at Yankton awaiting the formality of “mustering in” to the service of the United States.

The company was claimed by some of the Yankton people as a local organization, though not more than one-third of its members had been residents of the future county prior to enlistment, the remainder coming from Clay, Cole, Bon Homme, Minnehaha, and one from Nebraska. Its membership included several veterans who had seen service in the regular army. Taken collectively it was a fine body of men, physically, intellectually and morally. Quite a number of the recruits were farmers and nearly all claimholders. The ceremony of “mustering in” took place at Yankton on the 20th day of April, 1862, Lieut. M. R. Luce, of the Forty-first Regiment of Iowa Volunteers, being mustering officer. The term of service was for three years or during the war. We here append the muster roll:

COMMISSIONED OFFICERS

Nelson Miner, captain; J. K. Fowler, first lieutenant; Frederick Ploghoff, second lieutenant.

NON-COMMISSIONED OFFICERS

A. M. English, first sergeant; Patrick Conway, second sergeant; K. Wilson, P. F. Heller, William Neuman, Ben F. Estes, J. B. Watson, H. J. Austin, sergeants; George Falkenberg, Dave Benjamin, Joe Ellis, William Young, C. B. Stager, C. H. Brurud, Amos Shaw, Adolph Mauxsch, corporals; A. Hanson, E. Wilkins, buglers; A. Jones, farrier; Timothy Price, blacksmith.

PRIVATEES

M. Anderson, J. Allen, R. Alderson, C. Andrews, B. Bellows, W. W. Benedict, R. Burkhardt, John Betz, John Bradley, John Bell, N. Cusick, D. Campbell, N. Ellingson, J.

Hooder, N. Felling, J. Gray, J. Haggin, J. Johnson, C. Lewison, J. Ludwig, J. D. Morse, F. A. McLeese, A. Munson, P. Omeg, C. Olson, L. E. Phelps, H. M. Pierce, George Pike, J. Solberger, J. Tallman, T. J. Tate, B. H. Wood, J. Wells, H. Woodruff, J. Cramer, George Hoosick, H. Snow, A. Gibson, Michael Fisher, J. H. McBee, John Claude, John Collins, S. Delaney, Thomas Frek, J. O. Ford, B. F. Gray, E. Harrington, Ben Hart, J. Kinney, Charles Long, Merril G. Lothrop, J. Markell, John McClellan, M. J. Mind, O. N. Orland, O. Olsen, J. O. Phelps, James E. Peters, R. A. Ranney, P. Sherman, J. Trumbo, A. J. Trake, T. H. Weegs, Charles Wampole, Charles Wright, W. H. Bellows.

(During the term of service the following named were discharged for disability: J. Cramer, H. Snow, Michael Fisher, George Hoosick and A. Gibson. Died in hospital, J. H. McBee, J. Cummings. Frozen to death, J. Tallman. Resigned, Lieut. J. K. Fowler and Lieutenant Ploghoff. Expelled, W. H. Bellows. Total, 94.)

Company A had remained at Yankton after being mustered in, awaiting the coming of their horses and other cavalry equipment which were received about the 15th of May. Orders then came to report at Fort Randall and the company left for that post on May 20th. The departure of the company was a very serious loss to the business of Yankton, and was also severely felt in social circles, where the young soldiers had been the principal reliance. They had also contributed much of value to the various societies and organizations that were being formed to promote education, religion, and also general town improvements, which the pioneers of a community are required to organize and put in motion. About the 15th of June an order was received from the War Department by Acting Governor Hutchinson, directing that the First Dakota Cavalry be placed under the direction of the governor of Dakota Territory. The company at this time was at Fort Randall, where Lieutenant Colonel Pattee, of the Seventh Iowa, was in command. In July Lieutenant Ploghoff reached Yankton with twenty-five men of Company A, fifteen of whom were stationed on Turkey Ridge Creek at the crossing of the Sioux Falls road, and ten at Sioux Falls with Lieutenant Ploghoff in command. Later in the same month the remainder of the company under Lieutenant Fowler arrived and about the same time Lieutenant Ploghoff, with a small detachment from Sioux Falls, came over to procure equipment for the Sioux Falls detachment and the squad at Turkey Ridge. At this time Lieutenant Ploghoff resigned his commission and James Bacon, of Sioux City, who had been with the company for some time was commissioned second lieutenant. The company was now assigned under direction of the governor: Lieutenant Bacon at Sioux Falls with twenty men; Orderly Sergt. A. M. English at Yankton with twenty men; and Captain Miner with the remainder of the company at Vermillion and Brule Creek. English's camp was about a mile west of James River on the bench land. There was also a small detachment at the Turkey Ridge crossing of the Sioux Falls road. Fort Randall at this time was garrisoned by the Seventh Iowa, with Lieut. Col. Wallis Pattee in command.

WALTER A. BURLEIGH

Dr. Walter A. Burleigh, of Kittaning, Pennsylvania, had been appointed United States agent of the Yankton Indians to succeed Mr. Redfield, whose administration had not been satisfactory to the Indians. He served, however, until the expiration of Mr. Buchanan's term as President, who was succeeded by Mr. Lincoln, when in accordance with the time honored Jacksonian maxim, "to the victors being the spoils," the democrat was turned out and the republicans turned in. Doctor Burleigh's first trip to his new official residence was undertaken in May soon after his appointment. He came out to see what sort of a prize he had drawn in the political lottery, remained a few days at the Yankton Agency and returned to Pennsylvania for his family and also to facilitate the shipment of the annuity goods due the Indians. Having secured his goods, he brought his family with him to St. Joe, Missouri, where he secured accommodations on the Steamboat J. G. Morrow, a very comfortable vessel built for the Hannibal and St. Joe Railroad for use at Atchison, Kansas, and owned at the time by United



DR. WALTER A. BURLEIGH

United States agent to Yankton Indians, 1861-1865. Delegate to
Congress from 1865 to 1869

States Senator Pomeroy. Doctor Burleigh's family, at the time, consisted of Mrs. Burleigh and three children, Timothy, Walter and Andrew, who was a babe in arms. A nurse girl and a cook for the agency also made part of the family. The boat was loaded with \$30,000 worth of Indian annuity goods, and a shipment to Major Gregory at Ponca Agency, Frost Todd & Co., Fort Randall, and a small assortment of supplies for the Government at the military post. The voyage up the river was accomplished without unpleasant incident until the boat had reached a point nearly opposite St. Helena, Nebraska, about eleven miles below Yankton. Here it was discovered that the boat was leaking badly and investigation showed that she was rapidly filling with water and in a sinking condition. The captain ordered her run ashore on the Nebraska side. She got very near the bank when she touched bottom in water six feet deep at the bow and about twelve feet at the stern. This was rather a trying position for the new Yankton agent. His annuity goods for the coming year were on the boat and much of the stuff would be injured by water. His little family must be provided with shelter and food until he could arrange some method for transporting them to the agency, and to add to his troubles and perplexities the captain of the boat refused to have the goods put ashore claiming that they were now liable to marine law and must only be removed after certain legal proceedings had been gone through with. Burleigh saw that this would consume the entire fall and winter and would cause endless trouble with the Indians, and he resolved to remove the goods by force if necessary. He had fortunately found a vacant log cabin near the landing where the boat was lying, and this was fitted up as well as could be done under the circumstances and Mrs. Burleigh, the children, nurse and cook installed therein. The accident to the boat occurred Thursday, August 29th and after spending a day getting his family settled, Burleigh set off for Yankton, eleven miles, on Saturday the 31st on foot, and through the underbrush and tall grass. A large scow ferry propelled by oars was found at Yankton. Fifteen minutes after his arrival he had engaged Major Lyman with a squad of twelve men of the Home Guards to assist him in securing the goods. The party returned with a lumber wagon to the scene of the disaster and there set diligently at work removing the cargo to the shore, the captain yielding to "superior force and inevitable necessity." Burleigh was not at all alarmed about infringing upon the maritime laws. He knew the proverb "a bird in the hand is worth two in the bush" and he knew also that his Indian charges would endure much suffering and possibly starvation and possibly be incited to the commission of grave offenses, if they failed to get these supplies. The fact that the goods had been destroyed on a sunken steamboat would not satisfy the cravings of their hungry stomachs and they would probably have believed the story was a falsehood and the new agent had stolen the entire cargo. No doubt that Mr. Burleigh acted wisely and for the best interest of all concerned. He succeeded in getting all the goods ashore, although a portion were badly damaged by water; and felt greatly relieved to think that he could go to his post with the consciousness of duty well performed, the Indians would see that the "Great Father" was keeping his compact with them, and whatever damage had resulted would be made good thereafter. Burleigh openly charged that the boat's officers were grossly incompetent and the pilot intoxicated. He covered his supplies with tarpaulines and placed them under a strong guard, then engaged every team in town and county, and as rapidly as possible shipped them to the agency seventy-five miles up the river. A less energetic and resolute man would undoubtedly have had a most bitter experience from this misfortune, as any failure to furnish the annuity goods so soon after the treaty had been made would have given rise to grave suspicions among the Indians and might have led to serious disturbances. The boat was afterward raised and taken back to Atchison, and no action was ever commenced to punish the agent for his violation of maritime etiquette.

Mrs. Burleigh with her family remained in her log hut nearly a week, when Lieutenant Tannatt, at the time in command at Fort Randall, came down with

an ambulance and took them to that post. During her stay at the cabin Mrs. Burleigh remembers that she was furnished with milk and some other supplies by a Mrs. Wiseman who lived near and whose children two years later fell victims to the murderous Indians. After leaving the hut Mrs. Burleigh's first stopping place was the Ash Hotel at Yankton where she put up for the night. The hotel was then occupying its pioneer log quarters, and no arrangement had been made for the accommodation of families or even the feminine sex. Mrs. Ash, however, did the very best she could, and gave up her room to her new guest and the children and the nurse, all of whom were nicely stowed away somewhere within its precincts. The carpet of earth that covered the floor before the cabins were built was still doing floor duty, and Mrs. Burleigh had some reason to believe that she had really reached the land and homes of the pioneers. The next morning before she had arisen, a gentleman came stalking through the room to the small looking glass hanging on the wall, picked up a comb and arranged his hair and passed out into the breakfast room. She became acquainted with this gentleman a few months later and learned that his name was Brookings. She now proceeded to get her little flock ready for breakfast and when they had seated themselves at the dining table she discovered a little short man on crutches coming through her room into the dining room where he popped up into a chair with a suddenness that startled her. When she afterwards became acquainted with this gentleman she learned that his name was Stutsman. He proved to be a very social little fellow. The family went on to Fort Randall that day, stopping the next night at Choteau Creek where Tackett kept a hotel, and gave them comfortable quarters; they reached Fort Randall the next day and were given quarters in the residence of the commanding officer whose family was absent, and where they spent a fortnight very pleasantly, when they removed to their new home at the Yankton Agency, having had a very thorough introduction into pioneer life.

CHAPTER XX

THE FIRST LEGISLATIVE ASSEMBLY

1862

FIRST LEGISLATIVE ASSEMBLY CONVENES—ITS ORGANIZATION—LOCATION OF CAPITAL THE MAIN ISSUE NAMES OF MEMBERS AND OFFICERS GOVERNOR'S FIRST MESSAGE REMARKABLE FORETELLING OF DAKOTA'S CAREER.

The important event to which the attention of Dakotians had been directed for many months was the convening of the first Legislative Assembly under the Organic Act, members of which had been elected at the election called by the governor in September, 1861, and were authorized to convene as a Legislature at the Town of Yankton at noon on the 17th day of March, A. D., 1862. The people of the territory were now as Dakotians for the first time to have a voice in their government through their chosen representatives, who were to lay the foundation of a governmental structure that would endure for all time. The duty was a sacred one.

Franklin J. Dewitt of St. Paul and George W. Kingsbury of Junction City, Kansas, were the only occupants of the Marsh and Rustin ambulance that reached Yankton from Sioux City Monday evening, March 17, 1862. Major Dewitt's mission must have had something to do with legislation, the Legislature having convened at noon on the day of his arrival in its first session. He took quarters at the Ash Hotel and remained there during the sixty days' session, giving an occasional banquet and keeping "open house" in his rooms. Mr. Dewitt had been in Yankton during the summer of 1861, and was then looking for a location for a stock ranch. He was one of the pioneers of Sioux Falls, and was doubtless interested in the location of the capital, which would be decided by this first Legislature.

Mr. Kingsbury came to assist in the mechanical department of Josiah Trask's printing establishment, Trask having been appointed public printer by the secretary of the territory, John Hutchinson, whom he had known in Kansas. Kingsbury expected to remain in Yankton about three months and then return to Kansas. He has not yet reached the day of departure after a lapse of more than fifty years. He came up from Lawrence, Kansas, by the way of St. Joseph, Missouri, and recalls that the stage road was miry for many miles north of St. Joe; and a brisk snowstorm with a change from wheels to runners during the night before reaching Council Bluffs; and afterward a week or two of mild, dry weather that beguiled the unsophisticated into discarding winter raiment for the more comfortable and lighter garb of spring. Then the blizzard came.

The members of the Legislature were a representative class, embracing the best informed and most influential men in each community, and representing also the various occupations of the people. The winter had not been severe, but there was an abundance of snow and a temperature at times severe enough to form ice twenty inches thick in the Missouri. A short season of mild weather prevailed during the close of February and early in March that carried off much of the accumulated snow, but this was later succeeded by heavy

storms, blizzardly in their proportions, and these were especially severe during the settling of the Legislature.

The 17th of March, 1862, had been a very pleasant day. The ground was bare and the sky cloudless. At high noon on that eventful Monday the members-elect of the two houses assembled at Yankton, the councilmen resorting to their chamber in a new frame building on the southeast corner of Fourth Street and Broadway, and the representatives gathering at the log structure erected by the citizens of Yankton for the use of the Episcopal parish near the northwest corner of Fourth and Linn streets. The two houses were thus within convenient proximity. The organization of the two bodies, the council and House of Representatives, had been prearranged, and had been made with the question of location of the capital of the territory as the governing factor. The aspirants for this favor were Yankton and Vermillion, with Sioux Falls a "dark horse."

The members of the council were all present. They had been chosen by districts as defined by the proclamation of the governor, and there were no contested seats, though James McFitridge of Paulina filed a notice of contest for the seat held by W. W. Brookings of Sioux Falls, after the session had been inaugurated. From the First District came W. W. Brookings, of Sioux Falls, and Austin Cole, of Sioux Point; Second District, Henry D. Betts and John W. Boyle, both of Vermillion; Third District, Jacob Deuel, west of the Vermillion River; Fourth District, Enos Stutsman and Downer T. Bramble, Yankton; Fifth District, John H. Shober, Bon Homme; and Sixth District, J. Shaw Gregory; this district being west of Choteau Creek and also west of the Missouri and north of the Niobrara River, called Mixville; also Fort Randall.

The ceremony of organizing began with the calling of the roll of members by Hon. John Hutchinson, as returned to the secretary of the territory. The members then stood before Chief Justice Philemon Bliss with the right hands uplifted and took the oath of office, which the venerable jurist administered with due solemnity. This was followed by a prayer from Rev. Mr. Ingham, the Methodist clergyman. The council then proceeded to effect a temporary organization by the election of Enos Stutsman, Yankton, president; James Tufts, of Mixville, secretary; E. M. Bond, Vermillion, assistant secretary; W. R. Goodfellow, Elk Point, messenger; Charles F. Picotte, Yankton, sergeant-at-arms; and Rev. S. W. Ingham, Vermillion, chaplain. A permanent organization immediately followed, the only change being the election of John H. Shober, Bon Homme, as president. Still Mr. Stutsman had been elected first president of the first council.

The members-elect of the House of Representatives, thirteen in number, were: First District, John McBride, of Elk Point, and Christopher Maloney, of Sioux Point; Second District, George P. Waldron, of Sioux Falls; Third District, Hugh Donaldson, Pembina, who was absent; Fourth District, Lyman Burgess and A. W. Puett, of East Vermillion; Fifth District, Bligh E. Wood and Jacob A. Jacobson, West Vermillion; Sixth District, M. K. Armstrong, Yankton, and John Stanage, James River Crossing; Seventh District, George M. Pinney and Reuben Wallace, Bon Homme; Eighth District, John L. Tiernon, Fort Randall.

The roll was called by Secretary Hutchinson, and all were found present except Mr. Donaldson of the Red River of the North District, who had not yet reached Yankton; and the oath of office was then impressively administered by his honor, Chief Justice Bliss. The divine blessing was then invoked by Rev. M. D. Metcalf, of Bon Homme. A temporary organization was then effected, which must have been for the purpose of testing the good faith of the members in abiding by a prior agreement regarding the distribution of the various offices

to be filled, as the permanent organization which followed, without the intervention of other business, was a reaffirmation of the first, and is here given:

Mr. Armstrong, of Yankton, nominated Mr. Pinney, of Bon Homme, for speaker, and he was elected by the unanimous vote of the members and escorted to the chair, where he delivered a brief address as follows:

Gentlemen of the House of Representatives: I do not solicit your attention for the purpose of making a speech, but to express my thanks and gratitude for this mark of your respect and confidence manifested by selecting me to stand for and represent the will of the assembly.

I desire to assure you that I shall endeavor not to be so undmindful of my duty as to trample on the rights of any member of this House, and that there is no want of feeling in my heart to look strictly after the interests of each individual member so far as it is within my province and capacity so to do. I can see no reason why we cannot have a session remarkable for its rapid and beneficial transaction of public business; the best motives seem to be apparent, party prejudices are out of the way, and the grave influences of the times in connection with the responsibility which rests upon us as members of the first Legislature of Dakota, ought to be sufficient to invite us to our best efforts. I trust you will not consider me attempting to pronounce a homily when I say that if we would succeed as the first law makers of Dakota Territory we should have energetic action, and that we should also have a true and lively friendship existing among us, that generous sentiment not incompatible with honorable emulation which encourages a member instead of dragging him down, which throbs and delights when he acquits himself fairly in debate, which hastens to pardon his faults and follies, is as ready to grant pardon as to accept it, and to award praise as to court it. Knit together by these manly sentiments, we can fondly hope that, wherever our lots are cast in future years, we will look back with pleasing thoughts upon our relationship in this House, and so long as life lasts, will we regard it with a feeling akin to that which hallows the place of our birth, and consecrates in our memory the scene of our early years. Thanking you again for this expression of your kindness and confidence, I accept the position assigned me, assuring you that I shall use every effort commensurate with my ability to discharge the duties of the office in a faithful and impartial manner.

At the conclusion of the speaker's address the House proceeded to perfect its permanent organization by the election of the persons whose names and office, follow:

J. R. Hanson, Yankton, chief clerk; James M. Allen, Sioux Falls, assistant clerk; Daniel Gifford, Bon Homme, enrolling clerk; James Somers, Sioux Point, sergeant-at-arms; Ole Anderson, East Vermillion, fireman; A. B. Smith, Tower Bute, messenger; Rev. M. D. Metcalf, Bon Homme, chaplain. Mr. Waldron nominated Henry Masters for assistant clerk and Mr. Puett nominated A. A. Partridge for sergeant-at-arms, but they were unsuccessful.

Both houses appointed committees to wait upon the governor and notify him of the organization and also committees to notify each other of their organization and then adjourned; the council to meet at 9 A. M. and the House at 2 P. M.

On the second day of the session the two houses appointed the hour of 2 o'clock P. M. on Wednesday, the third day to meet in joint convention at the hall of the House to receive the message of Governor Jayne. At the appointed time the joint convention assembled and the governor, by his private secretary, Geo. W. Lamson appeared and read the first communication made by a governor of Dakota to a Dakota Legislature. This document is a part of the early history of Dakota Territory. It displays many features that will be warmly commended, and discloses a knowledge of the resources of the territory that could only have been acquired by earnest study of the subject. The feature that will attract the most attention and comment at the present day is that which endeavors to picture the future of our nation and our territory or state a half century hence. The language of the governor seems truthfully prophetic as he dips "into the future far as human eye could see." The message follows:

GOVERNOR JAYNE'S FIRST MESSAGE

Yankton, S. D., March 17, 1862

Gentlemen of the Council and House of Representatives:

In assembling at this period of internal dissension and Civil war, it would appear that we have especial reason to return thanks to an all wise and beneficent Providence for the peace

and quiet which the people of our territory have enjoyed; also for the bountiful harvest we have gathered; and the unparalleled good health we have been blessed with during the past year throughout our settlements.

Let us express the hope and faith, and offer an earnest prayer, that the same Providence that directed our forefathers, more than two centuries since, across an unknown trackless ocean, to plant in the Western World the germ of civil and constitutional freedom, and which directed Washington through all the perils of the American Revolution, will direct and guide the Federal Government through the struggle that now threatens her unity and life, until peace is secured and the majesty of the Constitution and laws are vindicated, and the people of all the world are rejoiced to behold the temple of constitutional liberty, safe, secure, resting upon a basis unmoved and immovable—the affection of the people.

By an act of Congress, on the second day of March, 1861, the territorial government of Dakota was created. By virtue of the provisions of that organic act, you have been chosen by the voters of Dakota to compose the first legislative assembly. To you they have delegated the authority to enact laws necessary for the protection of property, the security of life, and the efficient guarantee of all the social and civil rights, privileges, and immunities pertaining to the citizens under our free constitutional form of government.

It is well for you to remember that you are not legislating alone for today, but also for an indefinite future—not for the few thousand now resident in the territory, but for the tens of thousands who will soon be attracted within our limits. Impress yourself with the responsibility resting upon you, and go forward in your labors in founding a civil structure, with liberal and enlarged views of the duties devolving upon you. In judging correctly of the future, and calculating upon the coming wants and necessities of the territory, it is proper to examine our surroundings, to reflect upon our soil, climate, and the natural resources of the country.

Dakota Territory extends from the 43d to the 49th parallel of north latitude, and from the 97th to the 113th parallel of longitude—embracing an area of country greater in extent than all New England, combined with the great states of New York, Pennsylvania, Ohio, Illinois and Missouri. Occupying the most elevated section of country between the Arctic Ocean and the Gulf of Mexico; forming to a great extent the water shed of the two great basins of North America, the Missouri and Mississippi rivers and the tributaries of Hudson's Bay. Thus within the limits of Dakota are found the sources of rivers running diametrically opposite; those flowing northward reach a region of eternal ice, while those flowing southward pass from the haunts of the grizzly bear and the regions of wild rice, through the cotton fields and the sugar plantations of the southern states until their waters are mingled with the blue waves of the gulf.

The general surface of the country east and north of the Missouri is a beautiful, rich, undulating prairie, free from marsh, swamp or slough, traversed by many streams, and dotted over with innumerable lakes of various sizes, whose wooded margins, and rocky shores, and gravel bottoms, afford the settler the purest of water, and give to the scenery of the territory much of its interest and fascination. West of the Missouri the country is more rolling, and gradually becomes broken, hilly, and finally mountainous as the western limits are reached and terminated by the Rocky Mountains. The mighty Missouri runs through the very heart of our territory, and gives us more than one thousand miles of navigable water course; thus giving us the facility of cheap water transportation, by means of which we can bear away the surplus products of our rich, luxuriant lands to southern markets, and receive in exchange the trade and commerce of all climes and lands. We have, located on the Missouri, Big Sioux, Red River of the North, Vermillion, Dakota (James) and Niobrara rivers, millions and millions of acres of the richest and most productive lands to be found anywhere within the bounds of the national Government. We have combined, the pleasant, salubrious climate of Southern Minnesota, and the fertility of soil of Central Illinois.

The incentive to immigration is so great, and the inducements and advantages so promising, that it is no idle fancy which pictures the towns and cities which are soon to cover and enrich our hills and valleys and river sides. In arriving at a correct estimate of the probable settlement of our territory, it is well to bear in mind some very favorable facts which promise much in the development of our resources and increase of our population. Thermal statistics and experiments prove, that within the limits of our territory are to be found both the climate and soil necessary to produce most successfully the two great leading staples of American agriculture—corn and wheat. We find that starting from Chicago as a point, that the isothermal lines rise to a higher and higher degree of latitude as you go westward. We find that Fort Benton, on the Missouri River, in the extreme northwest part of Dakota, possesses the same mean temperature of Chicago and Albany, N. Y. The corn producing belt of country which runs through Ohio, Indiana and Illinois extends north and west through Iowa, up the Valley of the Missouri, through Dakota. According to Blodgett, the author of a very able and interesting work on the climatology of the United States, the thermal capacity required for the successful cultivation of Indian corn is a mean temperature of 67° for July, and it may go a little beyond 65° for the summer. According to the same authority, the thermal capacity required for the successful cultivation of wheat is a mean temperature from 62 to 65° during the ripening months. Statistics prove that our territory possesses a considerable excess of the temperature required, being beyond 70°. Another fact should be born in mind, that while we are not flooded with the excessive spring rains which often retard the putting

in of crops in the states southeast of us, yet we do have in the late spring and early summer months copious showers, which supply vegetation with all the moisture needed for the rapid growth which is characteristic of this region. The capacity of our territory for raising immense herds of cattle, and for the production of large crops of corn, wheat, oats, rye, barley, buckwheat, potatoes, sorghum, melons, fruits and vegetables, demonstrates the ability of our country to sustain a dense population.

Our territory possesses a climate especially conducive to health and longevity. Occupying an elevated section of the country, we are free from the humid, raw, chilly weather often prevailing in the central western states. We have a dry, bracing atmosphere, which gives tone and vigor to the physical system. We have a temperature sufficiently high in July and August to insure the rapid growth and maturity of all our cereal products; yet our hot weather is not continuous enough to engender those malarious diseases, ague, bilious fevers and dysentery, which prevail in Ohio, Indiana, Illinois and Missouri. What were once the great wheat producing states of the country are becoming less and less so each succeeding year. The uncertainty of the crop discourages its cultivation in those states and the growing demand for shipment to western Europe must be supplied from other sources. I venture the prediction that the wheat growing belt of this continent will yet be found in the valleys of the Red River and Saskatchewan. The day is not distant when the eye, which can now behold only the vast expanse of prairie and the tall, luxuriant grass waving before the wind, will rest gratified and contented upon the farm and workshop, the schoolhouse and church. We should bear in mind that within the last thirty years the great states of Indiana, Illinois, Michigan and Missouri have been settled up, and that within twenty years Iowa and Wisconsin have been rescued from the possession of the roaming Indian and subdued to the usages of civilized man. Thus has one generation witnessed an area of country no less than ours, transformed from the hunting ground of the Indian, the scene of the chase and war dance, and converted and divided into six of the most populous and thrifty states of the Union.

Shall we not judge of the future by the past? As regards soil, climate, beautiful uplands, rich prairies, luxuriant bottoms, productive mountain valleys, mineral wealth, navigable rivers upon which to float our cereal products and commercial exchanges, what section of country within the broad confines of our republic is fairer, or lovelier, or richer, or more inviting as the home of the active, intelligent and industrious citizen? Before a generation shall have passed, more than a million of people will be living in the Valley of the Missouri alone. The Pacific Railroad will have been long completed, connecting the two oceans with its iron bands. The trade with India and Japan, the commerce of the opulent and gorgeous East will pass through our borders on its way to the great cities on the Atlantic. By the transit of a world's commerce over 1,000 miles of our territory, we derive incalculable benefit. The experience of 6,000 years and the verification of all history is pointed and conclusive that intelligence, prosperity and opulence are the result of intercourse between nations. Along the great highways of the world, where pass and repass the goods, wares, merchandise, the products, the commodities, and the wealth of nations, there towns and cities spring up, manufactures are established, and all the industrial arts are quickened and encouraged, and from these centers ramify and extend rivulets of business and avenues of wealth.

I congratulate you, gentlemen, as the representatives of the people who are most fortunately and happily located in a portion of this country which possesses within itself all the elements which are necessary to constitute a great, prosperous and powerful state. Our rich alluvial lands will produce the corn, and the broad prairies the nutritious grasses which are ample to feed and support cattle enough to supply every market in the Union. The salt lakes in the northern part of the territory can furnish inexhaustible supplies of the best of salt. The high, rolling prairies south and west of the Missouri seem especially intended for the herding of sheep and the growth of wool.

The falls on the Big Sioux furnish a motive power sufficient to drive all the machinery of the New England mills.

The Black Hills, and the mountain ranges at the sources of the Wind River, Yellowstone and Missouri, are rich beyond conception in mineral resources of coal, copper and iron. The explorations and discoveries at Pike's Peak and on Fraser River, connected with the geological formation of the western part of Dakota, would indicate these facts; but what is more satisfactory, we are already in possession of actual knowledge in relation to the mineral deposits of that region, obtained by the discoveries of missionaries and trappers, who, braving all trials and dangers, have visited that region which has been scarcely marked by the foot print of a white man. With all the elements of power surrounding us, we need but numbers combined with industry, intelligence and virtue, to make Dakota one of the most desirable and potent states of the Government.

Gentlemen, upon the result of your legislative action depends in a great measure the rapidity with which this territory is to be settled up and her mighty resources developed, and her place claimed as one of the bright states which shall emblaze on our national ensign. It is your duty, and I doubt not the result of your labors will be, by the exercise of just, wise and judicious legislative action, to invite and encourage immigration, to stimulate settlement in our midst, and to attract within the limits of our territory thousands of people who each year leave their homes in the older states to seek new homes and participate in the common benefits incident to all new countries. Laying the foundations of government, and erecting thereupon a solid civil structure, beautiful and symmetrical in all its parts, will require united

thoughtful consideration, based on all the light you can obtain from an examination of the enactments of the different states and territories of our country. Among the different subjects which will demand your attention not the least will be a system of civil and criminal laws, an educational system; a military system; the character of your country organization; a county and territorial financial system; to the extent of powers proper to be granted to corporations, of a moneyed, mining, manufacturing or railroad character. I trust you will give due deliberation to all your enactments of civil and criminal law.

The peace, quiet and stability of society depend upon the protection and security of property, liberty, and life. In a natural state of society, without any form of government, every man is compelled to rely upon his own individual protection for the maintenance of his rights and the enjoyment of his property, and security of his life. With the organization of society, law and government, every one concedes and gives up a portion of his natural rights, and defers to law and authority for the adjustment of questions and the decisions of claims which otherwise could only be settled by force. Therefore, it is due from the Government to the citizens, that what he has relinquished of his natural rights should be more than compensated in the security of person and property by the guarantee of law. Therefore it becomes your duty to secure to every citizen the peaceful possession and enjoyment of all his rights of property and person; also enact laws which shall deal out prompt punishment to all evil doers and violators of law. Criminal law should not be so harsh and cruel as thereby to defeat itself, but it should be just in its retributions, and severe in proportion to the offense committed. I trust and believe that your record of both civil and criminal law will be such as will commend itself to the approval of an enlightened age and an advanced civilization. I believe in the truthfulness of the remark of one of the most sagacious of our revolutionary statesmen, "that the great hope of a free people was dependent upon her educational and militia systems."

There is no subject more vital to the prosperity and general welfare of the territory, than the subject of education. The virtue, intelligence and public happiness of a people, and all that conduces to the advancement of the prosperity, wealth and power of a country, is intimately associated with, and dependent upon, the development of the educational interest of the state. In communities where truth, virtue, intelligence and knowledge prevail, there crime is rare, and poverty almost unknown. Every dollar of taxes levied for the support of schools lessens, by many dollars, the taxes which would be assessed for the support of prisons and poor houses. If attention to one interest more than another has made Massachusetts the first of the great, rich, proud and powerful commonwealths of the Union, it has been the ever watchful, constant, liberal encouragement and aid given to her educational interest. I recognize the difficulties you must encounter in your efforts to establish a practical and efficient system in our, at present, sparsely settled territory. Let us, at least, take the first steps, and show to all who may be looking to our territory for a future home, that we are not unmindful of the great interests of education and the proper moral and intellectual training of the youth of our land.

Every nation relies more or less upon her militia system for the maintenance of her authority at home, and vindication of her national rights and honor abroad. A free people are and should be ever jealous of a large standing army. Those nations who enjoy a constitutional form of government are more dependent upon their militia than those ruled by arbitrary power. A free people, whose laws and government are the expression and creation of the popular will, are averse to a regular army, which eats up the resources of the industrial classes; they rely chiefly upon the citizen soldier in any emergency which shall give occasion for the use of military force. Holding, as we do, the most advanced outposts of settlements, having a widely extended frontier exposed to the hostile incursions of a savage foe, it is imperative that we institute and cultivate a plain, economical, and thorough militia system, adapted to our situation, and adequate to the necessities of our people.

The slavery question has been an exciting and distracting subject of dispute, of late years, in the territories. I hope we may be free from it. I would recommend to your body that you pass a law prohibiting, for all time to come, in this territory, slavery or involuntary servitude, except for crime. I shall hope to see such a law passed without a dissenting voice. I hope that the free air of Dakota may never be polluted, or her virgin soil pressed by the footprint of a slave. Congress having seen proper to create this territory without exercising her authority in prohibiting slavery, to us, therefore, has devolved the welcome task of recording our approval of the sentiment of Jefferson, when he declared slavery was "a moral, social and political evil." There is a conflict between the principles of freedom and slavery. That conflict has existed from the creation of the human race. There is an eternal antagonism between the principles of freedom and slavery. The constitution of the human heart and human mind makes the conflict inevitable, and sooner or later one or the other must gain the supremacy. Liberty is neither a cheat, a delusion, or a lie, but a vital principle of the human heart, born of the nature of man and the revelation of God—it is eternal and cannot die. Recognizing these self-evident truths, I trust that we shall start right. Let us by a prohibitory enactment express our repugnance of an institution which today convulses the continent, arrays a million of men in arms, interrupts our commerce, suspends business, prostrates trade, and paralyzes all the industrial interests of the country; which has darkened the home, widowed the wife, and made fatherless the children of some of the bravest and noblest on the land, and bequeathed to our children and children's children an untold burden

of taxation and debt. In this great and rich territory, possessing extent of country and natural resources sufficient to make an empire, let freedom rule—let this be the home of the white man. Declare by legislative enactment that her labor shall be honored, respected and rewarded. Let us make room in our territory for no privileged class, spurning labor and the laborer—exalted above common sympathies and cares—sacred against vulgar necessities, and scorning honest occupation. Let us pass this law, and then we shall be done with slavery, so far as we have any authority over the question; leaving it where the Constitution has left it, and the fathers of the Constitution left it, with the states where it exists, to be by them regulated as they deem best.

I take this occasion to warn you against falling into the snares of bank men. Too often it has been the case that legislative sanction has been given, in the new territories, to the designs of cunning men, who, unwilling to labor, have endeavored by plausible schemes of finance to put afloat worthless bank paper, which soon depreciates and robs the laboring men of the country. I hope you will turn a deaf ear to all their applications for bank charters, and that you will, to the best of your ability, secure our citizens against the evil of a pernicious paper currency.

Elections in the new territories, of late years, have been so fraudulently conducted that the word "election" has almost become, in the territories, a synonym of fraud, deception and corruption. Upon the purity of the elective franchise rests the basis of our Government. I trust that you will enact a stringent election law, one which shall secure to our people immunity from fraud.

At the present time we are suffering inconvenience for the various departments of our territorial government, but they are but temporary. I have no doubt but what Congress, with her accustomed liberality and fostering care to her territories, will make provision by appropriating as liberal an amount as the state of the treasury will justify, for the purpose of erecting buildings for the use of the various departments. While I think it is very necessary these should be made, it may be neglected by the general Government, unless we bring them to the notice of Congress, and show the prosperity and the advantages to be received by the territory and the Government in return for the expense. It would seem to me very proper that the Legislative Assembly should memorialize Congress on the subject of an appropriation for military roads, and for a geological survey of the territory, and a Pacific railroad. There should be a military road from the mouth of the Big Sioux to Fort Randall, and from Randall to Fort Laramie; also one from the Red River of the North to the Missouri. Every man who is acquainted with the country west of the Missouri is aware of the fact that Fort Randall should be the distributing military post west of the Missouri and north of the Kansas River. Thousands and tens of thousands could and would be saved to the treasury by making Fort Randall, instead of Fort Leavenworth, the distributing post for supplying Laramie and the military posts in Utah. There would be thus saved to the Government the expense of more than three hundred miles land transportation. No better road can be found to Laramie than one running along the Niobrara River. As we have good water communication from St. Louis to Randall, goods and army stores would be delivered at Randall at but a trifling cost more than the Government pays for freight to Leavenworth. It is only necessary that this matter be brought to the attention of Congress to have the change effected. The economy of the change, in connection with the present excessive demands on the treasury, is an imperative reason why it should be done promptly, and at once.

I would recommend that you memorialize Congress on the subject of the Pacific Railroad. The only route to the Pacific, along the line of which the country is capable of sustaining a continuous and prosperous settlement, is through this territory. By any other route hundreds of miles of the railroad must pass through a barren, sterile country, not susceptible of settlement. The cost of construction of such parts of a railroad would necessitate an immense outlay in the original cost, as would also the annual expense of repairs. Through Dakota is found the most direct route; one easy and cheap of construction, and the character of the country through which the road would pass insures a rapid and prosperous settlement along the whole line. A direct route from New York City along the shores of the lakes, would pass through Chicago, Dubuque and Sioux City, up the Valley of the Missouri to the mouth of the Niobrara, and then up the Valley of the Niobrara to the South Pass. Chicago and Dubuque must extend the hand of welcome to us, and cooperate with us in securing the early completion of a railroad to the territory, if they would avail themselves of the trade of the tens of thousands who will soon occupy the Valley of the Missouri. Otherwise our trade and travel will seek New Ulm and Mankato for an outlet, and St. Paul as the center of the trade and commerce of the territory. St. Paul being only 200 miles distant from the Town of Sioux Falls, situated near the east line of the territory.

The propriety of a geological survey of the territory has already been brought to the notice of the Government in a very able manner by our efficient surveyor, Gen. George D. Hill, Esquire. Feeling a great interest in this survey, I cannot refrain from urging on you that you shall cooperate in securing from Congress a liberal appropriation for that purpose. I am confident that there is, west of the Missouri River, untold wealth in the mineral resources of Dakota Territory. The recorded opinion of some of the most eminent geologists in the United States, and information gathered from missionaries and trappers

who have visited that part of the country confirm that belief. Every dollar appropriated will be returned a hundred fold by the addition to our population, the increase of business and the amount of land sold.

I hope you will memorialize Congress upon the subject of the Homestead Law and urge its immediate passage. That question is no longer an open one and subject to debate. The American people have declared almost unanimously in favor of the justice, wisdom and necessity of such a law—the grant of 160 acres of land to every actual settler who is willing to go out on the public lands and settle upon and occupy the same. If such a bill fails to become a law at the present session of Congress, it can only be by the neglect of those who are the most vitally interested in its enactment. Agriculture being for some time to come the leading interest in our territory I should deem it proper in you to give to that interest the benefit, fostering care and protection of wise legislation. Proper laws should be passed to prevent, as far as possible, those extensive prairie fires which sweep over the country in the fall months, and have destroyed crops and fences, and houses, and have injured to a great extent the young timber, which is so rapidly growing along all our streams. If these fires can be prevented, a few years will suffice to make Dakota a well timbered country. Territorial roads should be surveyed and established by law at an early day between the different towns and settlements by the most direct and eligible routes. Proper attention to this will secure our settlers from much trouble and annoyance which otherwise will hereafter arise upon the location of roads at a later day.

Having within our territory a large Indian population, it would seem desirable that you should enact some law regulating intercourse between our citizens and the different tribes. As our citizens are excluded from going upon the Indian land without a permit, it would seem to be just that the Indians should not be allowed to roam at will over the ceded lands. I believe that all Indians should be restricted to the uncaded lands and their reservations. I believe that such a requirement would conduce to the peace and quiet of the territory, and free the settlers from the annoyance of these straggling Indians who are wandering about the country. Such an exclusion from the public lands would do away with the opportunity which now tempts bad white men to carry on an iniquitous liquor traffic with the Indians.

I would recommend to you that a law be passed securing to every family freedom from execution and sale of their homestead; if resident in the country, a house and so many acres as your wisdom may determine. I believe that such a law is eminently just and proper. I would have every man know, and especially every wife and child feel, that there was one spot on earth that they could call home; one place that the cruel and remorseless creditor could not tread upon; that one fireside was sacred, and that one roof should shelter the innocent and unfortunate. I hope never in Dakota to see the harsh creditor darken the door and drive from the home the wife, or it might be the widow and her children, because, forsooth, he could, in his wily brain and bloodless heart, overreach in trade the honest but improvident husband and father.

The vast expense of the Federal Government incurred in the prosecution of the war, will necessarily impose upon all the people of this country a burden of taxation hitherto unknown in our Government. As the expenses of the executive, judicial and legislative departments of our Government are defrayed by Congress, with the exception of our proportion of the war tax, the taxes levied upon our people should be very light. I hope that the form of our county organization, and the powers granted to the county authorities for the levying of taxes, will be so guarded as to confine them to the strictest economy consistent with efficiency. The great error committed in other territories has been the disposition to incur debt, and to issue territorial warrants and county orders. Sound public policy forbids such a system of finance. A depreciated currency increases the price paid, and the enhanced price necessitates an additional issue, which again contributes to lower the county or territorial credit. Our proportion of the war tax our people will cheerfully pay. There being as yet no titles to real estate in this territory—no land office having as yet been opened—much is left your body to decide as to the proper system of taxation to adopt.

I would recommend the passage of a law which shall secure to every citizen of Dakota, who shall volunteer to go into the service of the United States, upon the requisition of the War Department, his right to vote for all territorial, legislative and county officers, upon our election day. I would not have his patriotism be the means of depriving him of the proudest right of the citizen—the enjoyment of the elective franchise. This proposition is so plainly just that it need only be suggested to be approved.

I take this occasion to express my gratification at the prompt response made by our loyal citizens to the requisition made by the War Department upon the executive of Dakota for volunteers to garrison Fort Randall, and thus relieve the regulars who were stationed there, who were needed South to aid in crushing this most accursed rebellion. In a few weeks the requisition was filled, and we now have a volunteer force of which we have just reason to be proud. Every citizen felt it a privilege that Dakota, in common with her sister States, should be allowed to contribute her mite to aid the Federal Government in this, the darkest day of her life. If the exigencies of the war should demand it, I believe that every male citizen within our limits would abandon the field and workshop, and with his musket upon his shoulder would rush to the tented field to the rescue of the Constitution. That, I trust, will not be necessary. I believe the dawn of a better and brighter day

is upon us. This most infamous rebellion, born and bred of an aggressive, domineering interest, must die—must perish, that faith in the justice of God shall be vindicated. He is but a superficial observer of political events, who does not recognize in the primary cause of this wicked rebellion, the institution of slavery. Can it be possible that in the providence of God, an institution founded in error, injustice and despotism, shall become the instrument for the destruction of a government, the wisest and best ever framed by the inventive genius of man? I cannot believe so. I recognize in the darkness that now clouds our beloved country, and the heavy hand that presses upon her, the inscrutable workings of a Divine Providence “who doeth all things well.” I believe that we shall come out of this rebellion better, purer and stronger—that the American Union will continue to move upward and onward in her destined path in the history of the world. I have never entertained any fear of the disruption of our Government, the division of our Union, and the overthrow of the Constitution. A glance at the map of North America should satisfy anyone that nature made this country for one people to dwell in, from the Atlantic to the Pacific, from the Lakes of the North to the Gulf of the South. The great Northwest, the region of the lakes, and the valleys of the Mississippi and the Missouri, whose waters divide and seek the ocean, to the East through the chains of the Great Lakes and the St. Lawrence, to the South through the Mississippi and the Gulf of Mexico, forbids a division. The millions who live upon the Upper Mississippi and its tributaries can never consent to a division of the Union. To them an imperative political and commercial necessity forbids a division. To allow the mouth of the Mississippi to belong to a foreign power, would be to subject ourselves to trouble and annoyance, and all our commerce to unjust and arbitrary taxation. An absolute, overwhelming necessity compels us to remain one people—one nation—with the flag of our fathers floating over every state. Six hundred thousand free-men are today in martial array—citizen soldiers—not an unwilling conscript among them all—a prouder army than Napoleon, in the plenitude of his power, ever reviewed; each and every man crying aloud to be led on to battle and to victory. The men composing that army are men of peace, who prefer the peaceful walks of life, who love to tread in the paths of agriculture, the mechanic arts, trade and commerce; but they are men who, when treason opened its batteries upon Sumter and its little band of devoted men, inspired by the noblest impulses which are implanted in the human heart, bid farewell to home and its comforts, to father and mother, wife and children, and rushed to the field with willing hearts and strong arms, offering all upon the altar of their country, ready to pour out their blood like water, and yield their lives, if need be, in defense of the supremacy of law and the Constitution. With such an army, engaged in such a cause, who can doubt the final result? Though they were not the first to seek the arbitrament of the sword, they will be the last to leave it. Though they did not provoke or commence the conflict, they will be the last to abandon it. Let the war be prosecuted vigorously and in deadly earnest, with but one object in view, the security of the country, the preservation of the Union, and the assertion and supremacy of the Constitution, over every foot of our widely extended domain. Let nothing cramp or hamper the noble efforts of our army; what soever stands in the way of success let it be trampled under foot. Let us commit no blunder by placing any interest before or above the Union, least of all that interest which is solely and entirely responsible for the rebellion which today convulses the nation. If slavery stands in the way of a successful subjugation of this hellish rebellion, let slavery die. If in the providence of God it should come to pass that through the efforts for the preservation of constitutional liberty, the institution of human slavery should be blotted out of existence, no lover of humanity, civilization, and Christianity, will drop a tear over its grave.

The events of the last forty days have given heart and hope to the whole country. The advent of Secretary Stanton into the War Department, with the declaration that the business of the army was “to attack, pursue, and destroy the rebellious enemy,” electrified the nation. The late glorious victories in Kentucky, Tennessee, North Carolina and Missouri, have made good the declaration. Manassas and Columbus are evacuated—the two great strongholds of the enemy. This is due to the new vigor infused into the War Department by the act of the President in placing in that department a man of will and purpose. Upon the accession of Stanton into the war office, a cabinet meeting was called. The country had furnished 600,000 men, and \$6,000,000 of money; and was clamorous and impatient for an advance. The zeal and patriotism of the people were likely to become paralyzed unless something was done to justify the immense outlay of men and money. The President, rising with the occasion, asserting his rights and duties as commander-in-chief of the army and navy, having with his far sighted and sure footed judgment, declared that the backbone of the enemy was to be broken by a vigorous advance in the West, and that the just expectations of the people should be fulfilled; Abraham Lincoln directed that Buell and Grant and McClernand and Curtis should advance, and make good the declaration of Stanton that the business of the army was “to attack, pursue, and destroy the rebellious enemy.” The terrible energy of those armies, drawn from the bone and sinew of the West, led by Generals Grant, McClernand, Curtis and Buell, have not only won the most fiercely contested battle fields, but have compelled the evacuation of Columbus and Manassas, without the sacrifice of a life. We already see the beginning of the end. The haughty and rebellious enemy have been driven at the point of the bayonet, from behind their own chosen and well fortified entrenchments.

These victories do not prove that the men of one section are any better or braver than those of a different section of our common country; but it proves "that he is thrice armed that hath his quarrel just;" it evidences that the ingrate, and wicked, and rebellious citizens, seeking to destroy the priceless legacy of constitutional liberty, bequeathed by Washington and his noble compatriots, cannot withstand, on the battle field, the indomitable will and determined valor of the citizen, who, giving his life to his country and his soul to God, fights to "preserve, protect and defend" that rich political inheritance, purchased by the struggles of our fathers on the bloody fields of Trenton, Monmouth, Saratoga and Yorktown. The glorious victory won by the Northwest—the men of Illinois aided by their fellow soldiers of Iowa and Indiana and other western states, have won imperishable honor. The attack and capture of Fort Donelson is the most brilliant military victory ever won on the American continent. To every officer and soldier of that gallant army, the whole American people owe a lasting debt of gratitude, and they will ever live in their hearts. This victory has given us possession of the state which holds the honored remains of the great chieftain who so heartily hated and despised this cursed heresy of secession. Standing by the grave of Jackson, may our brave soldiers renew their faith and redouble their will, and swear "by the Eternal," secession shall die.

Andrew Johnson, the first of patriots and most courageous of men, who, in the darkest hour and amid the thickest gloom, when reverses attended our arms, and hope almost fled the stoutest heart, he faltered not—despaired not—proscribed and exiled from his home for months by the hell-hounds of secession, today he revisits his home, and stands upon the soil of Tennessee with the Stars and Stripes floating over the capital. Let the energy of the last sixty days continue—as it will continue—and a few months will witness the end of this monstrous and stupendous slaveholders' rebellion.

Gentlemen I trust that when your labors are over and you shall have passed away from the field of legislative action, that those who shall come after you may remember you as not unmindful of the responsibilities imposed upon you. It is well you should bear in mind the age in which you live, and the nation of which you are a part. Let your memories run back a little over two centuries, and there is present before you a small band of refugees, hated, despised, and oppressed, about to set sail upon an angry sea, seeking a home in the unknown western world, bearing with them the germ of civil and religious liberty, which today has expanded until it has become the first nation of the world.

Let your imagination run forward only half a century, and you behold the American Union dictating the law to all nations. You behold her without a parallel in the history of nations; first in the arts and sciences, in religion and literature, in peace and arms, the pride of all governments, the hope of the oppressed, the asylum of the refugee, a nation kind to the weak, firm to the strong; a republic which will stand unmoved amidst the throes of revolutions, while thrones totter and empires pass away; beautiful as Cytherea as she arose from the flashing foam of the Ægean; more powerful than Rome in the days of the Caesars, or France under the imperial sway of Napoleon; a government with a hundred millions of loyal subjects, carrying the beneficent influence of her arts and her civilization upon the wings of her commerce, over every sea and ocean, to every continent and isle which smile beneath the genial rays of the sun.

In conclusion, allow me to assure you that it will be my endeavor to cordially, earnestly and faithfully cooperate with you in the enactment of all laws which your wisdom may suggest, which shall prove kind in their influence, and tend to advance the honor and greatness and glory of Dakota.

Yankton, Dakota Territory.

Executive Department, March 17, 1862.

THE BIG SIOUX BIG BEND

The Missouri River is noted for its sinuosities, some of them most remarkable because the river seems to have chosen for its channel the very longest way round a neck of land when it apparently could have saved many miles by cutting "across lots." Such a great bend existed a short distance above the mouth of the Big Sioux River, which resembled somewhat a colossal letter S. It was fifteen miles around the bend and the flood of 1867 cut through the narrowest part, a distance of fifty yards and made a new navigable channel for the river, which was greatly appreciated by the steamboat people, because it practically shortened the river fifteen miles. The land thus segregated was occupied but it was many years before the question was settled as to whether Nebraska or Dakota had jurisdiction over it and it required an assault with intent to kill case to determine the matter. The sheriff of Union County went there to serve a legal process and was met by armed resistance, which culminated in a fight. The sheriff was seriously wounded. The offender was subsequently arrested and held to answer under a decision of the Dakota court that he had committed his offense in Dakota.

CHAPTER XXI

THE FIRST LEGISLATIVE ASSEMBLY

(Continued)

LEGISLATURE CONTINUED—GOVERNOR'S MESSAGE WELL RECEIVED—THE CHIPPEWA INDIANS AND RED RIVER—JAMES M'FETRIDGE FROM PEMBINA—LEGISLATIVE COMMITTEES—THE CAPITAL CONTEST—YANKTON SECURES THE PRIZE—SPEAKER PINNEY RESIGNS; TIERNON SUCCEEDS HIM—SOLDIERS IN THE HOUSE; GREAT INDIGNATION—AN UNPLEASANT EPISODE—BRIEF BIOGRAPHIES OF FIRST MEMBERS AND OFFICERS—MISSOURI RIVER OVERFLOW—OLD SETTLERS' HISTORICAL ASSOCIATION—EPISCOPAL MISSION ESTABLISHED BY REV. MELANCTHON HOYT.

The governor's message struck a responsive chord in the breasts of the members of both council and House. The former body, by resolution ordered 1,500 copies printed in the English language, 300 in Norwegian and 200 in German; while the House ordered 1,200 copies all told, 500 in English, 300 in Norwegian, 200 in French, and 200 in German.

James McFetridge, of Pembina, through Councilman Brookings, presented a petition on the eighth day of the session, claiming the seat occupied by said Brookings and asking the council to appoint a committee to investigate his claims. The petition was referred to the Committee on Elections from which committee Mr. Brookings had resigned. This petition received no further direct attention, and was not reported from the committee, it being the conviction of a majority that the Red River region was country still belonging to the Chippewa Indians, and therefore the whites residing there could not legally exercise the elective franchise. But the Legislature passed a suitable memorial praying that a treaty of cession be made with the Indian owners; and also in anticipation of a treaty being made during the succeeding year, created a legislative district in the country and apportioned to it a councilman and two members of the House. The standing committees of the House were composed of the members hereafter named:

Privileges and Elections—Messrs. Tiernon, Wallace and Wood. Ways & Means—Messrs. Armstrong, Donaldson and McBride. Judiciary—Armstrong, Puett and Donaldson. Agriculture and Manufactures—McBride, Maloney and Burgess. Military Affairs—Stanage, Waldron and Maloney. Internal Corporations—Puett, Armstrong and McBride. Engrossed and Enrolled Bills—Puett and Donaldson. Counties—Tiernon, Wallace and Maloney. Corporations—Puett, Armstrong and Jacobson. Library—Waldron, Tiernon and Burgess. Common Schools, Universities and Colleges—Puett, Wallace and Jacobson. Federal Relations—Waldron, Wood and Tiernon.

In the council the standing committees were thus made up: Judiciary—Messrs. Bramble, Stutsman and Boyle. Education—Boyle, Betts and Brookings. Military Affairs—Gregory, Brookings and Doyle. Incorporations—Deuel, Boyle and Stutsman. Highways, Bridges and Ferries—Bramble, Deuel and Gregory. Public Printing—Stutsman, Bramble and Cole. Counties—Cole, Deuel and Betts. Territorial Affairs—Bramble, Stutsman and Cole. Agriculture—Betts, Brookings and Boyle. Expenditures—Boyle, Betts and Brookings. Finances—Stutsman, Deuel and Betts. Engrossed and Enrolled Bills—Brookings and Betts. Federal Relations—Gregory, Stutsman and Deuel.

The location of the seat of government of the territory was the bone of contention during the early part of this session, and not a great deal was done in the

way of law-making until that prize was allotted. Yankton and Vermillion were the rival candidates, and it was generally understood by the Yankton people that the matter had been satisfactorily adjusted in favor of Yankton at the time the Legislature organized by the distribution of the principal honors; but the subsequent proceedings did not justify this view of the question unless we inferentially charge one or more of the parties to the compact with double dealing. It was understood that Mr. Pinney was to give Yankton his support in return for the speakership, but the Legislature was not a week old when it became manifest that he was not friendly to Yankton's ambition, and the Yankton members were very much disturbed. The House was nearly equally divided on the capital matter. Out of the thirteen votes there were four members from the Vermillion and West Vermillion district and it required but three more to give them a majority. Waldron, of Minnehaha and Donaldson, of Pembina, were against Yankton and would vote for Vermillion but were presumed to be laboring to prevent a location at this session, thus giving Sioux Falls a future opportunity. Mr. Pinney held the balance of power. In general ability he was the peer of any member and in fertility of resource he was more than a match for any one of them. He was that sort of man in a convention or Legislature that the others would watch with apprehension of mischief. A harmless motion to adjourn from him would be accepted by half the members as portending a plot. As Vermillion had been an outspoken candidate for the capital it is not to be presumed that the members from the East Vermillion and West Vermillion districts had given any assurance that they would support Yankton but Mr. Pinney was from Bon Homme, and Bon Homme had been given the position of honor and double-pay of speaker of the House and president of the council, and this would not have been done in the absence of any understanding regarding the capital location.

Hugh Donaldson, who had been detained on his way from the Red River district reached Yankton and was sworn in on Friday, the fifth day of the session.

In the council on the eleventh day of the session Mr. Stutsman introduced a bill "to locate the seat of government of Dakota Territory" at Yankton. It was read twice, referred to the Committee on Territorial Affairs, reported favorably on the thirteenth day and taken up for third reading when Mr. Boyle moved an amendment to strike out "Yankton" and insert "Vermillion." The amendment was lost and the bill was then passed by the following vote: For the bill Messrs. Bramble, Brookings, Cole, Stutsman and Mr. President. Against, Messrs. Boyle and Betts, of Vermillion. Deuel and Gregory did not vote. The bill was transmitted to the House, where on the seventeenth day of the session it was called up by Mr. Armstrong, and laid on the table, and on the day following it was considered in committee of the whole, with Mr. Puett in the chair, when Mr. Pinney moved an amendment to strike out "Yankton" and insert "Bon Homme" which was lost by a vote of five to eight—Donaldson, Puett, Waldron, Wood and Pinney voted for the amendment and Armstrong, Burgess, Jacobson, McBride, Maloney, Stanage, Tiernon and Wallace voting against it. Pinney then moved to strike out "Yankton" and insert "Vermillion" which was adopted, the vote being seven to six—as follows: For the amendment, Burgess, Donaldson, Jacobson, Puett, Waldron, Wood and Pinney. Negative—Armstrong, McBride, Maloney, Stanage, Tiernon and Wallace. The committee rose, but did not report, and the next day Armstrong called the matter up, and moved that the bill be referred to the Committee on Counties with instructions to strike out "Vermillion" and insert "Yankton."

The chair ruled that the motion to instruct violated the rules. Mr. Armstrong appealed and the House sustained the appeal by a vote of ten to three, Messrs. Armstrong, Burgess, Jacobson, McBride, Maloney, Stanage, Tiernon, Wallace, Wood and the Speaker Pinney voting to sustain the appeal. While Donaldson, Puett and Waldron voted in the negative. This vote was a puzzler, and the anti-Yankton men moved to adjourn until Monday, which motion was lost. Donaldson, Puett and Waldron became somewhat active and made numer-



COUNCIL CHAMBER, YANKTON

Where first Territorial Council was held in May, 1862

ous efforts to stay any further vote on the bill, but the House finally voted, nine to four, to refer the bill to the Committee on Counties. The affirmative votes were Armstrong, Burgess, Jacobson, McBride, Maloney, Stanage, Tiernon, Wallace and Wood. Negative, Donaldson, Puett, Waldron and Pinney. The next day, Tiernon, chairman of the Committee on Counties, presented a report on the bill, which the speaker ruled out of order and in violation of the rules. Armstrong moved a suspension of the rules and the reception of the report, which the chair ruled out of order, and Waldron asked for the enforcement of the rules. After a heated discussion at the same daily session the bill was taken up and passed as amended, by inserting "Vermillion" in place of "Yankton." The vote on its final passage being unanimous. The bill was now returned to the council, where it was immediately considered by the council which by a vote of six to two refused to concur in the House amendment, and instructed its secretary to notify the House immediately of its action. This was done; and there appears to have been a radical change in the sentiment of the House members during the time the bill was in the hands of the council, for on its return Armstrong moved that the House recede from its amendment to the bill which motion was supported by all except Puett and Waldron. The bill was then passed as it came from the council originally, by a vote of ten to one. Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Stanage, Tiernon, Wallace, Wood and the speaker voting affirmatively—eleven. Waldron did not vote, and Puett voted in the negative.

During the session excitement was at fever-heat, and the lobby was packed with spectators. Early in the proceedings a body of United States troops from Company A, Dakota Cavalry with muskets entered the hall and marched to the speaker's stand where they remained during the session. Their commander, Lieutenant Plughoff stated that they came on the order of the governor by request of Speaker Pinney to prevent riot and disorder. Great indignation was created by this demonstration and it was the subject of subsequent investigation by both the council and House.

These final proceedings on the capital bill took place on Saturday, the twentieth day of the session; the bill was promptly approved by the governor the following Tuesday, April 8th, and Yankton was "out of the woods." Mr. Pinney's singular course on this bill was never satisfactorily explained. He was a young man of towering ambition and now aspired to leadership in the republican party. He had been mainly instrumental in the movement of 1861 by which Bell was nominated for delegate to Congress at the republican convention at Vermillion, a result it was claimed that Pinney was not apprehending, desiring the nomination himself. Another delegate election was to be held in 1862; Governor Jayne was coming to the front as a candidate and was supported by the Yankton republicans. Pinney's course would indicate a purpose to popularize himself with the anti-Yankton sentiment and by advising the sending of troops to the House he must have expected that it would create a sentiment of hostility toward Governor Jayne throughout the territory, and the governor's immediate and frank statement that Pinney, as speaker, had requested the troops to prevent riot and disorder, was all that saved him from popular obloquy. Pinney, with all his remarkable mental qualities, was inclined to be erratic.

In this matter it would appear that he had built his plan upon a shaky foundation for it all went to pieces in an hour, and even the Vermillion representatives, except Puett gave their support to Yankton. But there must be a sequel to this trouble and it came out the day after the capital bill was approved. Immediately after the House assembled on that day the clerk read the following communication:

Gentlemen of the House of Representatives

Reasons which are quite satisfactory to myself prompt me to resign the office of speaker of this House, and in tendering my resignation, I wish to offer the members of this House very many thanks for the honor which they conferred upon me by electing me

the office without a dissenting voice. Hoping that you will be able to agree upon my successor, you will confer a favor upon me by accepting this resignation without hesitation or delay, I subscribe myself,

Your obedient servant,
GEO. M. PINNEY.

On the motion of Mr. Armstrong the resignation was accepted and Mr. Pinney then vacated the chair, took the floor and nominated John L. Tiernon, Fort Randall, for speaker. Tiernon was elected by an unanimous vote, and there was peace in the House for the remainder of the session.

The law locating capital at Yankton was in the words following:

An Act to Locate the Seat of Government of Dakota Territory.

Be it enacted by the Legislative Assembly of the Territory of Dakota:

Section 1. That the seat of government of the Territory of Dakota be, and the same is hereby located and established, in a central part of the town of Yankton, on section eighteen (18) in township ninety-three (93) north range fifty-five (55) west of the fifth principal meridian, in the County of Yankton.

Sec. 2. This act shall take effect and be in force from and after its passage and approval by the governor.

Approved, April 8, 1862.

W. JAYNE, Governor.

As an explanation of the final settlement of the capital in favor of Yankton and the summary manner in which it was finally disposed of, the reader's attention is invited to the passage of a bill locating the territorial university at Vermillion and the territorial penitentiary at Bon Homme, together with memorials praying Congress for a grant of lands for both institutions. The generations of that day no doubt failed to realize how pernicious their example would become, for many years later the bonds for an agricultural college at Brookings were voted and the capital removed from Yankton to Bismarck at the same session of the Legislative Assembly.

The employment of United States troops as a measure of precaution to prevent serious trouble in the House aroused great indignation. It was looked upon as a despotic attempt to overawe the members of the House and coerce them in their official action and as the responsibility for such an extraordinary exercise of authority was not definitely known and fixed, Mr. Stutsman presented a resolution to the council requesting the appointment of a committee "to call on the governor" and request his reasons for placing an armed body "of soldiers in representative hall." Stutsman, Cole and Deuel were appointed the committee and performed their duty without delay. The next day this committee reported as follows:

Mr. President:

Your special committee appointed with instructions to call on his excellency, the governor, and demand his reason for placing an armed body of troops in the representative hall yesterday, while the House was in session, beg leave to report that we called upon the governor, and after presenting the resolution of the council, received a verbal statement of facts about to the following effect: One Geo. M. Pinney, speaker of the House, represented to the governor, verbally and in writing, that there was imminent danger of the peace and quiet of the House being disturbed by persons in and out of the House, and said Pinney demanded protection of the governor. In compliance with said demand, his excellency issued an order to Lieutenant Plughoff, a copy of which is hereto attached and made a part of this report. After a full examination of all the facts in our possession your committee believe that by false representations made by said Pinney and others, the governor, with the best intentions, did an unnecessary act, thereby offering an insult to the representatives of the people, to the citizens of Yankton and to the territory at large. And your committee believe that the said order of the governor and the scandal thereby created, were wholly occasioned by the false and slanderous representations of said Pinney and others. All of which is respectfully submitted.

Yankton, Dakota Territory,
Executive Office, April 7, 1862.

E. STUTSMAN,
A. COLE,
J. DEUEL,
Committee.

Lieutenant Plughoff,

Commanding Dakota Cavalry.

Sir:—I have been informed by a written communication received from Hon. Geo. M. Pinney, speaker of the House of Representatives, that from threats and representations received from reliable sources, that he fears that the business of the House will be interrupted by violence, and he calls on me for force to protect the House in the lawful pursuit of its duties. You are directed to proceed to the hall of the House tomorrow morning, at half past 8 o'clock A. M., with twenty men, for the purpose of protecting the House while in the peaceful pursuit of its business, from violence. It will be your duty to aid the speaker in preserving order, and to arrest any person violating the peace, and quiet, and decorum, of that body.

I am, very respectfully,

WM. JAYNE, Governor.

Commander in Chief Dakota Militia.

No further action was taken by the council.

The feeling of the Vermillion councilmen over their defeat in the capital matter led to a great deal of acrimonious discussion among members and others outside the legislative session. There was one occasion at a dinner party at the Ash Hotel when Councilman Boyle, the Vermillion champion, and Councilman Stutsman, who was Yankton's leader, had some hot words. Stutsman was crippled from birth but he was every inch a fighter and amply able to take care of himself if he could get his hands on an antagonist. Something like the lie passed. Boyle seized the ketchup bottle and flung it at Stutsman's head, narrowly missing him. "Stuts" retaliated with a fusillade of tumblers, cups and the skeleton of a fowl that had contributed to the feast. The combatants then flung themselves forward across the table for a finish fight, which might have resulted seriously had not friends interfered and led the enraged gentlemen out into the air by different exits and walked them around until their ardor for a fight had time to cool, which it did, and they soon after joined hands in token of forgiveness and forgetfulness.

Antoine Robeart's saloon was the rendezvous not alone of the merry-makers but of the statesmen with important matters of state to discuss; of politicians who had plots to lay and plans to make; it was a meeting ground for all classes, and reveling in a mild way was nightly witnessed within its walls, where songs were sung and speeches were made and stories related, and the news was discussed. It was quite a center of interest at all times and especially during the Legislature of March, 1862, although as a rule the law makers of Dakota from first to last, as they appeared at Yankton, were not immoderate drinking men, and we cannot recall an instance of the intoxication of a member of either body during the session of any Legislature that met at Yankton covering a period of twenty-one years. It is more than probable that Antoine's attractive hall would have been less visited had there been other places, as there were later, for legislators and lobbyists to get together. In connection with Robeart's place an incident occurred during the pendency of the capitol fight that deserves mention. A large party of gentlemen had retired to the rear room of the saloon to discuss the situation. Suddenly the window, opening upon Third Street, flew up and Speaker Pinney popped out as though there had been a force behind him, and started down the street at a gait that was faster than a walk and slower than a run. Behind him pursued another member of the Legislature, and behind this member was Robeart swinging his arms furiously and behaving like a person very highly enraged. Pinney walked briskly across Broadway, and as he went along drew a pistol from a pocket. When he reached the east side of the street he stopped short and allowed the others to overtake him. Observing a remarkable change in the manner of the two pursuers when they reached Pinney's side, indicating that their belligerent ardor had moderated, it was evident that they had seen the weapon in Pinney's hand, and it was fortunate for both parties that they did not crowd him, for his subsequent career in Montana proved him a man of nerve who would use his gun if occasion called for it. The conversation that followed was not intelligible to parties who had witnessed the affair, but the

gestures made by the pursuers were not belligerent, nor was their posture one that meditated assault.

Pinney shot and killed a former lieutenant governor of Wisconsin, named Beall, of Helena, Montana, a few years later, an account of which appears elsewhere; which would justify the assumption that he had decided to use his weapon on this occasion, and would have done so had there been sufficient provocation.

The first Legislature adjourned on the 16th day of May after a session of sixty days. It had enacted a body of very good laws, including criminal, civil, justice and probate codes; had defined the boundaries of the counties of Yankton, Clay, Cole (now Union), Bon Homme, Charles Mix and Brughier (now Buffalo), also Jayne and Hutchinson counties on James River; also Lincoln, Minnehaha and Brookings counties on the Big Sioux, and Deuel County east of Lake Kampeska; also Todd and Gregory counties, west of the Missouri and north of the Niobrara; also Cheyenne, Stevens, Chippewa and Kittson counties in the valley of the Red River of the North. In some cases like that of Yankton the county seat was located in the act, and in others provision was made for voting on the question, which was done in Cole County; an act to provide for locating county seats was passed; a number of territorial roads were authorized and a score or more of ferry charters granted; three private divorce bills were passed, and a general divorce law; also a good common school law, revenue, election and militia laws. There was only a slight change in the apportionment of members of the Legislature; this was an act giving to the Red River country one councilman and two house members. A law fixed the time of the annual election on the first Monday of September, and the time of the meeting of the Legislature on the first Monday of December. Nearly every legitimate subject was covered by various enactments, and the general sentiment was that the legislative body had acquitted itself very creditably in covering the field of necessary legislation so thoroughly. When the time came for adjournment the best feeling prevailed. All the unfriendliness occasioned by the capitol contest had apparently disappeared and the members sought their homes impressed with a conviction that they deserved to have it said of them: "Well done, good and faithful servants." And after a lapse of half a century one can find little unfriendly criticism of the work of this first session.

There was a third house organized during the week following the regular organization of the Legislature, with Capt. F. M. Ziebach as squatter governor, and James Tufts, speaker. (Governor Ziebach takes his title from this incident.) Ordinarily a matter of this kind would be deemed of very small importance, but for Yankton at that time, it was everything in the way of social entertainment, for fortunately its meetings were genuine feasts of wit and wisdom. With the exception of two or three social dances, the third house was the only public entertainment Yankton could offer.

The hotel and boarding house accommodations combined were severely taxed to accommodate the legislative members, officers, the military, the lobby and the traveling public, so that the ladies of the territory whose husbands were connected with the Legislature could find no place suitable to reside in had they been disposed to remain at Yankton during the legislative session. The capital was not therefore a very attractive place socially during the first or second session, and many improvements and plans that would have added largely to the attractions of the town were necessarily abandoned and undeveloped during the summer of 1862, because of the serious character of the Indian troubles. This is to be regretted because of the opportunity lost to the pioneer ladies of the territory to meet and become acquainted, and to make the acquaintance of the members of the Legislature, who were then emerging from comparative obscurity into a larger field where many of them were destined to become conspicuous in territorial affairs, wielding a strong influence in the arena of politics. To an intelligent and observing lady, a season at the capital in that pioneer day would have afforded her much enjoyment and probably embellished her memory with a fund of recol-

lections regarding the notable people she had met during her sojourn, and how they appeared to her as promising an eminent future, and a score of incidents which in her later years she could narrate to her children and friends to their great delight and entertainment. It is to be regretted that Yankton at that time was not better prepared to fulfill its functions as host, and thus have preserved to posterity, through the storehouse of many memories, a thousand incidents that after generations would have appreciated. All this is lost, like the rose that blossomed in the desert and wasted its sweetness there.

There had been a great deal of wintry weather during the session. An unusual amount of snow had fallen and immense drifts had accumulated in places and were still visible when the Legislature adjourned. When the ice broke in the Missouri that spring, a gorge was formed in the big bend below the mouth of James River, backing the water up the stream and overflowing the bottom lands between Yankton and Vermillion and below; the overflow extending to the Big Sioux. In many places the sheet of water was twelve miles wide, stretching across from the Nebraska bluffs to the Dakota highlands. The settlers on the bottom hurriedly sought refuge on the highland, removing their household effects and live stock. The water finally broke over the Missouri bank between Picotte Street and the Rhine Creek at Yankton, swept across to the valley of the James, covering the low lands and forming a vast lake ten miles broad by thirty miles long. Travel between Yankton and Sioux City was confined to row boats and the mails were carried in small skiffs. Parties who patronized the boats followed the stage route as near as practicable, and enjoyed themselves spearing catfish along the way, that weighed from twelve to thirty pounds each, if they told the truth about it. The Greenway Ferry was used as a freight boat during an emergency, between Yankton and Vermillion, and landed its freight on the O. B. Wheeler farm, now Major Hanson's sightly "Prospect Place" two miles below town. The inundation continued three weeks, and the Indians declared that it far surpassed any of the overflows that had occurred during their generation. It may be well to mention that while this overflow practically covered the Missouri bottom from Yankton to the Big Sioux, the land at the lakes, now Gayville, was not submerged, and the same is true of Meckling and of Elk Point. There were a few other spots that kept their heads above water.

An Old Settlers' Historical Association was chartered by the first Legislature, and inasmuch as it was the first association of this character in Dakota, we herewith give the act of incorporation:

An Act to Incorporate the "Old Settlers' Historical Association."

Be it enacted by the Legislative Assembly of the Territory of Dakota:

Section 1. That J. B. S. Todd, J. S. Gregory, James Tufts, W. W. Brookings, E. Stutsman, J. H. Shober, Reuben Wallace, D. Gifford, E. Gifford, N. McDonalds, C. F. Picotte, John Stanage, J. B. Amidon, G. P. Waldron, B. M. Smith, A. C. VanMeter, J. Deuel, J. R. Hanson, A. G. Fuller, D. T. Bramble, M. K. Armstrong, J. M. Allen, Austin Cole, F. Carman, J. Wherry, H. C. Ash, John L. Tiernon, J. M. Stone, W. P. Lyman, W. H. Granger, C. W. Cooper, R. M. Johnson, Norman W. Kitson, L. M. Griffith, F. J. Dewitt, J. C. McBride, Christopher Maloney, H. S. Donaldson, James McPettridge, William Mathews, M. Ryan, John McClellan, J. B. Laplant, A. Mason, Peter Arpin, John Bruillard, W. W. Benedict, Ole Bottleson, Ole Anderson, C. Lawson, A. B. Smith, George Brown, Moses Herrick, J. McLeese, John Lafevre, Felix Leblanch, George Bourret, H. Bradley, Joseph Chatchon, and A. W. Puett and their associates, be and they are hereby constituted a body politic and corporate, to all intents and purposes, by the name of the "Old Settlers' Historical Association," and by that name may sue and be sued, plead and be impleaded, answer and be answered unto; may purchase, hold and convey, both personal and real property, to any amount not exceeding twenty thousand dollars, and the same to lease, grant, mortgage, and sell or otherwise dispose of for the benefit of the society, and to receive donations, to be applied as the donor or donors may direct; and to devise and keep a common seal, with the right to alter the same at pleasure, and to make and enforce such by-laws, rules and regulations as they may choose not repugnant to the laws of the territory, or of the United States, and to enjoy all the privileges and franchises incident to a corporation.

Sec. 2. No person shall become a member of this society who first became an inhabitant of the territory after the passage of the organic act

These pioneer legislators and the officers of each body represented nearly every state in the Union. John Shoher, of Bon Homme, president of the Council, was born in the year 1833, in Loudon County, Virginia (his ancestors were of Switzerland), removed to Ohio, then to Illinois, next to Minnesota, and from that state to Dakota (in 1859). By profession a lawyer. Age twenty-nine. He was unmarried. A democrat. Resides now at Helena, Montana.

Enos Stutsman, of Yankton, was born in Indiana, in 1826. His ancestry was German. Removed to Illinois, thence to Iowa, and from Iowa to Dakota in 1858. Mr. Stutsman was a lawyer. Aged thirty-six. A single man and a democrat. Died at Pembina (buried in Zion City, Illinois). See biographical sketch.

Austin Cole, of Cole or Union County, was born in Ohio in 1815. Ancestry cannot be given, but his grandfather was a Pennsylvanian, and probably a Quaker. Removed to Indiana, thence to Iowa in 1836, and settled in Dakota in 1860. Mr. Cole was a farmer, aged forty-seven, and married. Union County was first called Cole County out of respect to the oldest member of the Council. A democrat. Died in Iowa.

H. D. Betts, of Clay County, was a native of New Hampshire. He was a lawyer, and merchant. Settled in Dakota in 1860. He was twenty-seven years old, the youngest of the councilmen. He was married. Mr. Betts left the territory during the Indian troubles in the fall of 1862, and his seat during the second session remained vacant. A republican. Died in New York.

John W. Boyle, of Clay County, was descended from Irish-German ancestry. He was born in Pennsylvania in 1826, where he remained until twenty-four years old. Studied law; was admitted to the bar. Went to California in 1850; thence to Texas, then to Iowa, settling in Dakota in 1860. His age was thirty-six. Married. A republican. Died in Iowa.

Downer T. Bramble, of Yankton, was born at Hartland, Vermont, in 1833. Ancestry not known, but he was from an old English family. Learned the mercantile business. Removed to Tennessee; thence to Nebraska, and to Dakota in 1859. A merchant, aged twenty-nine. Unmarried and a democrat. Died at Watertown, South Dakota; buried at Yankton.

Wilmot W. Brookings, of Minnehaha County, was born in Maine in 1833. Ancestry English. In early years a sailor. A lawyer later. Removed to Dakota in 1857. Was the oldest Dakotan in point of residence in the Legislature. Age twenty-nine. Not married, republican. Died in Massachusetts.

Jacob Deuel, of Clay County, was a native New Yorker. Born in 1830. German ancestry. Removed to Virginia. Became a machinist, engineer and mill wright. Removed to Minnesota; thence to Dakota in 1860. Was a married man. Age thirty-one. Republican. Died in Nebraska.

J. Shaw Gregory, of Todd County, was born in New York in 1831. Son of Admiral Gregory, United States Navy, English ancestry. Educated for the navy, and graduated from Annapolis. Came to Nebraska in 1856. Was appointed agent of the Ponca Indians in 1857. Was thirty-one years old, and unmarried. Democrat. Died in Black Hills.

Of the officers of the Council, James Tufts, the secretary, was born in New Hampshire in 1833. Ancestry not given. Educated for the bar. Removed to Nebraska in 1856; thence to Dakota in 1859, settling near Niobrara. Was a single man, aged twenty-nine. Republican. Died in Connecticut.

E. M. Bond, of Clay County, assistant secretary, was born in New York in 1834. Was a lawyer. Age twenty-eight. Settled in Dakota in 1860. Not married. Republican. Resides in Brule County.

William R. Goodfellow, of Cole County, engrossing clerk, was born in Ohio in 1838, and settled in Dakota in 1860. Was a lawyer. Age twenty-four, and single. Democrat. Died at Pembina.

Rev. S. W. Ingham, of Yankton, chaplain, was a native of Indiana, born in 1838, and came to Dakota in 1860 at the age of twenty-two; in charge of the

Methodist Mission, settling at Vermillion. Clergyman. Age twenty-four and single. Republican.

Charles F. Picotte, of Yankton, sergeant-at-arms, was born at the mouth of the Bad River at old Fort Pierre, Dakota, in 1830. This country at that time must have been a part of the Territory of Louisiana. Picotte's ancestry was native American and French. He was a farmer, thirty-one years old, and married. Republican. Died at Yankton agency.

Eli B. Wixson, of Union County, messenger, was born in New York in 1834. He was descended from a Revolutionary family. Removed to Iowa in 1857, and to Dakota in 1859. Democrat, aged twenty-eight and single. Mr. Wixson had been a photographer, and was a landlord. Died at Elk Point.

W. W. Warford, of Bon Homme, fireman, was born in Pennsylvania in 1836. Removed to Minnesota; thence to Dakota in 1859. He was a farmer. Aged twenty-six, and single. Democrat. Died at Bon Homme.

George M. Pinney, of Bon Homme, speaker, was born in Pennsylvania in 1833. Removed to Wisconsin. Studied law at Madison and was admitted to the bar. Removed to Dakota in 1861. Was married. Aged twenty-nine. Republican. Removed to Montana; thence to California. Died at San Francisco.

John L. Tiernon, of Fort Randall, succeeded Pinney as speaker; was born in Indiana in 1840. Was the youngest member of either house. Removed to Dakota in 1855 with Harney's expedition. Was twenty-two years of age and not married. Democrat. Died in Buffalo, N. Y. Was a general in the regular army.

Moses K. Armstrong, of Yankton, was born in Ohio in 1833. Ancestry, Scotch-English. Removed to Illinois; thence to Minnesota. Settled in Dakota in 1859. Was a surveyor and civil engineer. Aged twenty-nine years; single. Democrat. Died in Minnesota.

Hugh S. Donadson, of Red River, was born in Canada in 1833. Ancestry, English. Removed to Red River country in 1857. Was a fur trader. Aged twenty-nine; single. Independent in politics. Died at Winnipeg, Manitoba.

Lyman Burgess, of Clay County, was born in Norway in 1834. Was a farmer. Settled in Dakota in 1860. Aged twenty-eight; married. Republican. Died in Clay County.

J. A. Jacobson, Clay County, was born in Norway in 1832, and settled in Dakota in 1860. Was a farmer; thirty years old; married. Republican. Killed by Indians in 1863 on James River.

John C. McBride, Union County, was born in Missouri in 1827. Ancestry, Irish-Scotch. Was a farmer, and settled in Dakota in 1847. Married. Democrat.

Christopher Maloney, of Union County, was born in Ireland in 1833. Settled in Dakota in 1855. Was a farmer. Twenty-nine years of age. Democrat.

John Stanage, of Yankton County, was born in Ireland in 1829. Emigrated when about twenty years of age and settled in California. Enlisted in the regular army. Reached Dakota in 1855; settled in Yankton county in 1859. Was a farmer; aged thirty-three, and a Democrat. Died in Yankton County.

George P. Waldron, of Minnehaha County, was born in New Hampshire in 1824. The family was one of the earliest in New England. Removed to Iowa, then to Dakota in 1859. Was a farmer and lawyer. Married. Aged thirty-eight. Independent republican. Died on ranch west of Fort Pierre.

Reuben Wallace, of Bon Homme, was born in Vermont in 1812. He was the oldest member of either house, and one of the oldest men in Dakota. He emigrated to Minnesota; thence to Dakota in 1858. Was a farmer; not married, and a democrat.

Bligh E. Wood, of Clay County, was born in New York in 1827, and emigrated to Minnesota. He removed to Nebraska, and thence to Dakota in 1861. He was a farmer. Aged thirty-five; married, and a republican.

Joseph R. Hanson, chief clerk, was born in New Hampshire in 1836. His ancestors were among the early settlers of New England, emigrating from Scot-

land and England. Removed to Illinois in 1855; thence to Minnesota, and then to Dakota in 1858. A farmer, twenty-six years old, and a republican. Single man.

James M. Allen, Yankton, assistant clerk, born in Ohio in 1832. Grandparents lived in New England. Occupation, explorer. Removed to Sioux Falls, Dakota, in 1857. Age thirty; not married. Republican. Died in Black Hills.

Daniel Gifford, of Bon Homme, enrolling clerk, born in New York in 1837. English ancestry. Farmer. Removed to Dakota in 1858. Age twenty-five. Single, and a democrat.

Byron M. Smith, of Bon Homme, engrossing clerk, born in New York in 1834. Scotch-German ancestry. Farmer and geologist. Removed to Sioux Falls, Dakota, in 1857. Age twenty-eight. Single. Died in Minnesota.

Rev. M. D. Metcalf, of Bon Homme, chaplain, born in New York in 1825. Clergyman and farmer. Removed to Dakota in 1860. Age thirty-seven. Married. Republican.

James M. Somers, of Union County, sergeant-at-arms, born in Maine in 1839. New England ancestors. Removed to Dakota in 1859. Age twenty-three. Single man. Killed in Brule County. Independent republican.

A. B. Smith, of Charles Mix County, born in Wisconsin in 1837. New York ancestry. Came to James River, Dakota, in 1857. A pioneer of Yankton. Farmer and inventor. Age twenty-five. Democrat.

Ole Anderson, of Clay County, fireman, was born in Norway in 1833. Emigrated and settled in Dakota in 1859. A blacksmith. Age twenty-nine. Republican.

REV. MELANCTHON HOYT

Rev. Melancthon Hoyt was the first Christian clergyman to take up his residence with his family in the Territory of Dakota. The Methodists had preceded him with an itinerant clergyman, a single man, but to Mr. Hoyt must be accredited the title of pioneer, for he remained a Dakotan, and was actively engaged in the work of the church until called by death to relinquish his earthly pilgrimage.

Doctor Hoyt was born in Connecticut in 1807. Of his younger years we know but little, because we have never made inquiry, but we have learned that he received a liberal education, and graduated from Yale College in his twenty-fifth year. He had resolved to become a minister, and studied for that calling. In 1834, on the 14th of October, he was made a deacon of the Episcopal Church, and was assigned to missionary work on the 25th of March, 1835. He was then twenty-seven years old. He began his work as a minister on the frontiers of civilization in Indiana, in 1835. From Indiana he was called to Michigan, and the year 1843 found him laboring in Wisconsin, from Watertown to Green Bay.

In 1858 Doctor Hoyt removed, with his family, to Sioux City, Iowa. His family, in addition to himself and wife, consisted of three boys and five girls. Dakota was then Indian country. He was the first Episcopal pastor in Sioux City, and he not only gave attention to his church work, but took a leading part in the educational work of the city, secular and religious, in the meantime gaining a knowledge of the nearby Territory of Dakota and paying its scattered and meagre settlements an occasional visit. In 1861 Dakota was organized as a territory and was made a part of the Diocese of Nebraska, with Bishop Robert Clarkson as its bishop. Mr. Hoyt was placed in charge of the Dakota field by the Board of Domestic Missions, and in 1862 removed, with his family, to Yankton. He organized a parish at Yankton, and established mission stations at Vermillion, Elk Point, and probably at Bon Homme, then the only centers of population except those in the far-away Pembina country. In 1865 he built a substantial church edifice at Yankton, and until the coming in of Rev. Joseph Ward, late in 1868, ministered practically to the religious instruction of the entire community—those of all denominations—and was quite successful. He remained as the representative head of the Episcopal Church a number of years, maintaining

his rectorship at Yankton, and organizing over fifty parishes and superintending the building of seventeen church edifices. His work, then, was largely the laying of the foundation for others to build upon. Doctor Hoyt had at this time resigned his pastorate at Yankton, and as dean of Dakota was engaged in looking after the interests of the church generally. At Sioux City he had conducted the principal school during the years 1858 and 1859, having an average of seventy pupils in attendance. In this work he was assisted by his daughters, Elizabeth and Anna, who were well qualified to instruct the young. A feature of his Sioux City school, and one that he found to be exceptionally popular with his scholars, as well as with the patrons of the school, was a weekly lecture given by some one of the learned men of the city on scientific subjects.

Rev. Melancthon Hoyt was an ardent worker in the cause of education—an earnest advocate and laborer for the establishment of schools, which new communities are sometimes indifferent about. He was one of the most active and useful promoters of the first historical society which flourished at Yankton in early days, and wherever enterprise and assistance were needed, in his character as a citizen, he was found with his shoulder to the wheel. His hospitality was proverbial, and his time and abilities were given to the promotion of all things beneficial to the community and to his fellowmen. While he was a rigid Episcopalian, he was a broad-minded, great-hearted Christian gentleman who reminded one of that unostentatious divine mentioned in Goldsmith's "Deserted Village," who took a personal interest in the material, as well as religious, welfare of all the people, and all the people held him in high esteem and bore for him a warm affection. Men and women of all denominations were members of his congregation during the early years, and many of these were among his strongest supporters and most valued friends.

CHAPTER XXII

THE FIRST ELECTION UNDER TERRITORIAL LAW

1862

UNITED STATES LAND OFFICE—THE POLITICAL CAMPAIGN—REPUBLICANS DIVIDED—GENERAL TODD VS. GOVERNOR JAYNE, THE ISSUE—FIRST REPUBLICAN AND UNION CONVENTION CALL—PROCEEDINGS OF THE COUNTY AND TERRITORIAL CONVENTIONS—GOVERNOR JAYNE NOMINATED FOR DELEGATE TO CONGRESS—GENERAL TODD NOMINATED BY PEOPLE'S CONVENTION—COUNTY CONVENTIONS AND COUNTY OFFICERS NOMINATED—FIRST ELECTION—GOVERNOR APPOINTED—FIRST COUNTY OFFICERS—VOTERS WITH GUNS ON THEIR SHOULDERS—MIDNIGHT VOTING—BALLOT BOX STUFFING—FRAUD IN NEARLY ONE-HALF THE PRECINCTS—JAYNE AWARDED CERTIFICATE OF ELECTION—RED RIVER RETURNS NOT RECEIVED—TODD GIVES NOTICE OF CONTEST—WHY RED RIVER RETURNS WERE NOT SENT FOR.

The Homestead Law, under which so many millions of western farmers have acquired homes and fortunes on the public lands of the United States, was passed at the session of Congress held in 1861-62. Andrew Johnson, afterward president and successor to Abraham Lincoln, is said to have been the originator of the homestead plan, and was its principal advocate in the Senate of the United States. The law was approved by President Lincoln May 20, 1862.

The first United States land office in the territory was opened for business at Vermillion on the 6th day of October, 1862. Prior to that time claim takers had made their pre-emption filings in the office of the surveyor general at Yankton by authority of the general land office. The land officers were J. M. Allen, of Springfield, Illinois, register; and Mahlon Wilkinson, of Indiana, receiver. The land district was named by the organic act the Yankton Land District. W. W. Brookings made the first filing in the office on the morning of the 6th, taking a quarter section of land at Sioux Falls.

Territorial and county politics began to engage the attention of the people during the early summer. There was a delegate to Congress to be elected and a territorial auditor and treasurer; also members of the House of Representatives of the Legislative Assembly of the territory and a full list of county officers. It need not be surmised that the pioneers of Dakota were without political ambition, or lacked in understanding practical politics according to modern methods.

The election under a law of the first legislature was appointed to be held on the first Monday in September, which in 1862 would fall on the first day of that month. Yankton was already the political headquarters of the territory, and the two candidates for Congress, Gov. William Jayne and Gen. J. B. Todd, were to all intents and purposes both Yankton men; and though neither had been formally placed in the field by nominating conventions, they were being very vigorously pressed by their respective partisans and the nomination of each was a foregone conclusion.

Governor Jayne was supported by the republicans and General Todd by the democrats and quite a faction of republicans under the lead of some of the federal officials. The main argument in support of Jayne was that politically he was in accord with the party in power, and therefore could obtain more favors



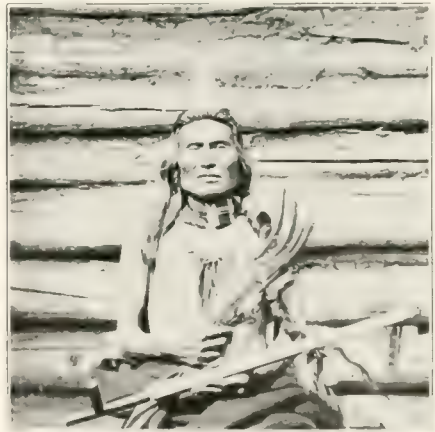
CHEYENNE MEDICINE LODGE ON
THE YELLOWSTONE



CROW SQUAW. DRESS TRIMMED
WITH ELK TEETH



MEDICINE BEAR, CHIEF OF THE
UPPER YANKTONIA SIOUX, 1877



BIG BREAST PLATE, SIOUX WAR-
RIOR IN WAR COSTUME

from the National Government than could a dyed-in-the-wool democrat as Todd was supposed to be.

Todd's supporters argued that he had for years given his time and money to promote the interests of Dakota, which was true as the history proves. He had been at the head of all the progressive movements from the time when the Indians owned the soil and had shown himself to be an able, astute and successful leader; that he was thoroughly acquainted with those needs of the territory which the National Government was looked to to supply, and that his distant relationship to the President would enable him to secure many favors from the executive departments, which was no small item in his favor. The contest waxed warm and the feeling between the parties was at times extremely bitter. The older pioneers adhered to Todd. Jayne had the support of the Dakotian newspaper at Yankton and the Republican at Vermillion, a paper that was started September 6, 1861; while Todd was ably backed by the Sioux City Register, and also by a series of campaign letters written by M. K. Armstrong, over the nom-de-plume of "Log-Roller" and published in the Register. Of the federal officials Attorney-General Gleason and Provost Marshal Waldron openly espoused the cause of Todd, and Judge Bliss was also claimed as friendly to the general's ambition.

The "Republican and Union Territorial Congressional Convention" was called to meet at Vermillion on Wednesday, July 16, 1862, at 10 o'clock A. M. This was the first party convention to be held in the territory, subject to a formal and generally recognized call, and announced the commencement of political party construction and the birth of the republican organization in the territory. The call is here given, with the names of those who signed it:

REPUBLICAN AND UNION CONGRESSIONAL CONVENTION

To the Electors of Dakota Territory:

A republican and union delegate convention will be held at Vermillion, Dakota Territory, on Wednesday, July 16, A. D. 1862, at 10 o'clock A. M., for the purpose of nominating a candidate for delegate to Congress.

All citizens, without regard to former party differences, who support the administration of Abraham Lincoln and approve of its policy and principles, and who are in favor of the vigorous prosecution of the present war until the rebellion is crushed out and the supremacy of the Constitution and laws completely established in every state and territory of the Union, are earnestly requested to participate in the primary meetings for the election of delegates.

The apportionment of delegates to the convention, based upon that of the Legislature, is as follows:

County	Delegates	County	Delegates
Cole	6	Todd	2
Clay	14	Charles Mix	2
Yankton	8	Minnehaha	3
Bon Homme	6	Kittson (Red River North).....	4

To secure concert of action, it is respectfully recommended that county mass conventions for the election of delegates be held at the county seats of the above named counties on Saturday, July 5, 1862, at 2 o'clock P. M.

This call was circulated in the several counties and signed by the persons whose names are here given:

COLL COUNTY

R. A. Hotchkiss, Judson LaMoure, N. J. Wallace, M. U. Hoyt, James La Berge, K. P. Ronne, Henry S. Carpenter, Sherman Clyde, M. M. Rich, Stephen Horton, W. W. Frisbie, Doet Phillips, Aaron Carpenter, Nathaniel Ross, William Hammond.

CLAY COUNTY

A. W. Puett, John W. Boyle, H. D. Betts, J. W. Tawney, M. Wilkinson, L. Bothun, H. Peterson, William C. Betts, Samuel Lyon, John C. Glaze.

YANKTON COUNTY

W. Jayne, N. Edmunds, Wm. H. Sanders, Geo. W. Lamson, John C. Smart, John Hutchinson, Charles Wambolt, C. Fessenden, John Millen, J. R. Hanson, William Miner, O. B. Wheeler, D. C. Higley, Justus Townsend, John Lawrence, L. M. Griffith, H. T. Bailey, R. M. Hagaman, Charles F. Rossteuscher, J. M. Stone, George W. Kingsbury, Henry Arend, Felix Vonlins.

BEN HOMME COUNTY

Geo. M. Pinney, Moses Herrick, D. C. Gross, James Skinner, D. P. Bradford, L. H. Litchfield, N. McDaniels, B. M. Smith, M. L. Metcalf, M. W. Metcalf.

CHARLES MIX COUNTY

W. A. Burleigh, A. J. Faulk, H. Hartsough.

MINNEHAHA COUNTY

J. F. Shook, S. G. Irish, George P. Waldron, William Stevens, H. Masters, B. Fowler, J. W. Evans, A. F. Shaw, B. Jarrett, W. W. Brookings, J. B. Amidon, William Amidon.

The proceedings of nearly all the county conventions held in the territory are given in this chapter. They were all what is termed mass conventions, being the first to be held. The party machinery of the counties had not been organized until this election campaign of 1862, which was the first after the organization of the territorial government, which is supposed to have been completed with the system of laws passed at the first session of the Legislative Assembly, begun in March of this year.

YANKTON COUNTY REPUBLICAN CONVENTION

In response to the call of the republican and union people so numerously signed, the republicans of Yankton County met at the office of the territorial secretary on Saturday, July 5, 1862, at 2 o'clock P. M. Joseph R. Hanson called the meeting to order. Justus Townsend was elected president, and Geo. W. Kingsbury, secretary.

On motion of Mr. Barge, a committee of three was appointed to select and present to the convention the names of eight persons to act as delegates to the territorial convention. The chair appointed Messrs. N. W. Barge, G. W. Lamson and J. R. Hanson such committee.

On motion of William Thompson, the chair appointed Messrs. Thompson, Edmunds and Druseron a Committee on Resolutions.

The committee to select the names of eight delegates to the territorial convention made a report recommending the following: Justus Townsend, Knud Larson, Otis B. Wheeler, Charles F. Picotte, Joseph R. Hanson, Newton Edmunds, Ole Sampson and Geo. W. Kingsbury.

The report was adopted.

Governor Jayne then offered the following resolution:

Resolved, That the following named persons be hereby chosen and constituted a county committee of the republican and union party for the County of Yankton and empowered to transact all business usual to such committee: Messrs. G. W. Kingsbury, chairman; M. K. Armstrong, Ole Sampson, G. W. Lamson, N. W. Barge, J. R. Hanson and Peter Johnson.

This was the first republican convention held in Yankton county, and the committee designated was the first committee appointed by any political party in the county. It is difficult to understand why Mr. Armstrong's name appears in this committee, as he was an avowed democrat and a supporter of the democratic ticket in this campaign, and a candidate on that ticket for the Legislature. It is probable that as there had been no lining up of parties before this campaign came on, the governor may not have been apprised of Mr. Armstrong's political affiliations. At that time, because of the war for the Union, tens of thousands of democrats all over the northern states had joined hands with the republicans for a vigorous prosecution of the war for the suppression of the rebellion, and in electing Mr. Armstrong a committeeman, the members of the convention were doubtless under the impression that their party had secured a valuable recruit.

The delegates elected to the territorial convention were instructed to vote as a unit.

The Committee on Resolutions reported as follows:

Resolved, That the unanimous prayer of this convention is for the perpetuity of our American Union, under the same old Constitution, which was the production of statesmen whose wisdom was equalled only by their patriotism, and which only can hold the states together in the bonds of love and guarantee that national greatness which all good citizens desire.

Resolved, That in the vigorous prosecution of the present war, we hail every success of our armies and navies as the most effective contributions to that real and only permanent peace which the country can accept as the termination of our present troubles.

Resolved, That our delegates to the convention to be held at Vermillion on the 16th of July, are expected to secure the nomination of a man for delegate to Congress who shall be known and a recognized endorser of these sentiments, and whom the friends of the administration and lovers of our Union, without regard to past political connections, can cordially support.

On motion the convention requested that the proceedings be published in the Dakotan, after which the convention adjourned sine die.

JUSTUS TOWNSEND, Chairman.

G. W. KINGSBURY, Secretary.

TODD COUNTY REPUBLICAN AND UNION CONVENTION

The republican and union electors of Todd County met at the house of Peter Kegan, in Running Water Settlement, on Saturday, July 5, 1862, pursuant to call, for the purpose of electing delegates to the territorial convention to be held at Vermillion on the 16th inst. Peter Kegan was placed in the chair, and Thomas Goodwin was elected secretary.

The convention resolved to elect two delegates to the territorial convention by ballot, which resulted in the choice of Robert M. Hagaman and Hollowell Lowe. No further business being ordered, the convention adjourned.

PETER KEGAN, Chairman.

THOS. GOODWIN, Secretary.

CLAY COUNTY REPUBLICAN AND UNION CONVENTION

The Clay County Republican and Union Delegate Convention was held at Vermillion on Saturday, July 5. J. W. Boyle was chairman and J. B. Glaze secretary. The following delegates to the territorial convention were elected: A. W. Puett, J. W. Boyle, Thomas Holverson, H. D. Betts, J. W. Tawney, L. Bothun, George Dimmick, J. B. Glaze, S. Lyon, Halver Burgess, J. A. Jacobson, B. W. Collar, Torge Ellifson and Israel Trumbo.

MINNEHAHA COUNTY REPUBLICAN AND UNION CONVENTION

Sioux Falls, July 6, 1862.

At a meeting held here on the 5th inst., Judge Amidon was called to the chair, and H. Masters appointed secretary.

The following delegates to the Vermillion convention on the 16th were unanimously chosen: H. Masters, W. W. Brookings and Barclay Jarrett.

The following named gentlemen were chosen as substitutes, in case all or either of the regular delegates failed to attend: B. C. Fowler, J. W. Amidon, J. W. Evans.

The annexed resolutions were then adopted unanimously:

Resolved, That we fully and cordially endorse the policy of the administration of Abraham Lincoln—that in the present condition of the country it deserves and ought to receive the cordial and earnest support of every true and patriotic citizen.

Resolved, That the territorial administration of Dakota Territory, by the faithful discharge of its duties, meets with our warmest approbation.

Resolved, That Governor Jayne, for the efforts he has made for the protection of the frontier settlements against Indian depredations, is entitled to the highest commendation of every son and daughter of Dakota.

Resolved, That the delegates of Minnehaha County to the convention to be held at Vermillion the 16th inst., are hereby instructed to vote for Hon. William Jayne for delegate to Congress.

The following resolutions were then offered and adopted:

Resolved, That if any of our delegates or substitutes be absent, those present shall vote for the entire delegation.

On motion the meeting adjourned sine die.

J. B. AMIDON, President.

H. MASTERS, Secretary.

REPUBLICAN AND UNION TERRITORIAL CONVENTION

The first territorial republican and union convention met at Vermillion Wednesday, July 16, 1862, at 10 o'clock A. M., and was called to order by George M. Paine.

1. name. A. W. Puett, of Clay County, was elected president of the convention, and Andrew J. Bell, of Cole County, and Geo. W. Kingsbury, of Yankton County, were elected secretaries.

W. W. Brookings, of Minnehaha County, moved the appointment of a Committee on Credentials, which motion was approved, and the chair appointed W. W. Brookings; J. B. Glaze, of Clay; M. M. Rich and Robt. M. Hagaman, of Todd County, the committee.

Mr. Pinney moved that the chair appoint a Committee on Resolutions, which motion being adopted, the chair appointed Geo. M. Pinney, John W. Boyle, of Clay County; William Mathews, of Union County; Henry Masters, of Minnehaha County; Ole Sampson, of Yankton County; and Robt. M. Hagaman, of Todd County, a Committee on Resolutions.

A recess was taken for fifteen minutes on motion of Newton Edmunds, of Yankton; at the expiration of which the convention reconvened and the Committee on Credentials reported as follows:

Mr. President—Your Committee on Credentials beg leave to make the following report: The delegates duly elected and entitled to seats in this convention are:

Clay County—A. W. Puett, J. B. Glaze, J. W. Boyle, Samuel Lyon, Thomas Halverson, H. Burgess, H. D. Betts, J. A. Jacobson, J. M. Tawney, B. M. Collar, Lasse Bothun, T. Ellefson, George Dimmick, and Israel Trumbo—14. Yankton County—Justus Townsend, Otis B. Wheeler, Joseph R. Hanson, Ole Sampson, Geo. W. Kingsbury, Kund Larson, Charles F. Picotte and Newton Edmunds—8. Cole County—Milton M. Rich, A. J. Bell, John R. Wood, H. Seamens, William Mathews, J. P. LaPlant—6. Minnehaha County—Henry Masters, W. W. Brookings, Jesse B. Jarrett—3. Bon Homme County—Geo. M. Pinney, Henry Hartsough, D. C. Gross, Laban H. Litchfield, Henry Brooks, and Charles E. Hedges—6. Todd County—Robert Hagaman and H. Lowe. Charles Mix County—Cortez Fessenden and G. W. Lamson.

On motion the report was adopted.

The Committee on Resolutions reported the following:

Resolved, That the old Constitution of our fathers, which inaugurated so beneficent a Government as ours, should still possess the virtue to perpetuate the glorious union of states which it initiated, and for the perpetuity of which all good citizens must ever pray.

Resolved, That the administration of Abraham Lincoln has been thus far eminently wise and patriotic, exhibiting at once the highest statesmanship and the most earnest devotion to the country and justly thereby securing the support and hearty approval of a generous and loyal people.

Resolved, That the present war should be vigorously prosecuted by all the means which the ingenuity and resources of the country can command, until the unreasonable and unholy rebellion shall be entirely crushed, federal power asserted, federal property recovered, and federal allegiance acknowledged in every part of the land.

Resolved, That while the welfare of Dakota is indissolubly embodied in the restoration of the Union and the prosperity of the nation at large, still, Dakota has many specific interests for which we must ever labor and which are to be protected only through a watchful and energetic policy which shall oppose all land monopolies and favor actual settlers; which shall secure to us every benefit that Dakota, through her admirable natural facilities can possibly derive from the railroad enterprises which are soon to be inaugurated in the West; that shall favor the expenditure in the territory of all moneys in future appropriated for public purposes of the territory by the general government, and the disbursement of the same to actual and bona fide residents of Dakota; a policy that shall contribute to the advancement of our educational interests through such schools and colleges as Congress may be induced to foster; and in fine, a wise and liberal policy that will at once brighten every aspect in which Dakota is to be viewed, which shall attract a large and intelligent population, and advance us rapidly on the road to rank and position which numbers and material wealth, combined with intelligence, never fail to secure.

Resolved, That we favor such an amendment of the Homestead Law as shall give to each actual settler on the public lands, in accordance with the provisions of that law, twenty acres of timber land in addition to the 160 acres conferred under the present act.

Resolved, That while nominating a candidate for delegate to Congress and territorial officers, to be supported by the people at the election in September next, we can advocate their election on this platform with every confidence of success, and we cheerfully extend an invitation to every Union man in Dakota, without the least reference to his past political connections, to join us in our pledges and our labors, for those ends which we sincerely believe involve Dakota's best interests.

On request of the delegates from Cole County, the apportionment of that county was increased from six to ten, those who had been admitted stating that they should feel compelled to retire from the convention if their request was denied. The four additional delegates were: Ole Halverson, Robert Hotchkiss, William Adams and William Mathews, who took their seats.

On motion, the convention then proceeded to an informal ballot for candidate for delegate to Congress, John R. Wood, J. R. Hanson and Halvor Burgess being appointed tellers. The informal ballot exhibited the following result: William Jayne, 20; Philemon Bliss, 13; John W. Boyle, 6; James Tufts, 4; A. J. Harlan, 1.

A resolution was then adopted pledging the members of the convention to support the nominee. Mr. Boyle withdrew his name. A formal ballot was then taken, resulting as follows: William Jayne, 37 votes; Philemon Bliss, 7, and Charles E. Booge, 1. William Jayne having received a majority of the votes, the president declared him to be the nominee of the convention, when on motion the nomination was made unanimous.

Justus Townsend, of Yankton, was then nominated for territorial auditor, and P. H. Jewell, of Clay, territorial treasurer.

Governor Jayne was not present at the convention and the president was instructed to notify him of his nomination.

On motion of Mr. Brookings, the following named persons were appointed by the chair to be the territorial central committee of the republican and union party, namely: J. B. Glaze, Clay County; A. J. Bell, Cole County; Newton Edmunds, Yankton County; Geo. M. Pinney, Bon Homme County; Robt. Hagaman, Todd County; F. D. Pease, Charles Mix County; W. W. Brookings, Minnehaha County, and Hugh S. Donaldson, Kitson and other counties in the Red River of the North District.

On motion of Newton Edmunds the proceedings of the convention were ordered published in the Vermillion Republican and Yankton Dakotian.

On motion of A. J. Bell, the convention adjourned.

A. W. PUETT, President.

A. J. BELL,
G. W. KINGSBURY,
Secretaries.

No territorial campaign was made or ticket nominated by the democratic party in 1862. The opposition to the republican and union territorial party adopted the title of "People's Union Party." Though the people's union party included the democrats, and was in fact their party, there was an element of republicans, including some federal officials, who were not acting with the new republican and union organization, and no doubt the title "People's Union" was much more congenial to them than the straight-out democratic title would have been. In deference to this element, which was an important and necessary factor if success was to be achieved, the "People's" name may have been adopted. It will be observed, however, that the title declared that the party was a "Union" party, which at that time was the dominating issue in national and territorial political affairs.

Under the "People's Union" title a call was issued about the 1st of July, of which the following is a copy:

People's Union Delegate Convention, to be held at Vermillion, July 24, 1862, for the purpose of nominating a candidate for Congress. The respective counties shall be entitled to the following number of delegates: Cole County, 6; Clay County, 12; Yankton County, 8; Bon Homme County, 5; Todd, Gregory, Charles Mix and Brughier counties, 4; Minnehaha County, 2; Red River District, 4.

Signed, MANY CITIZENS.

YANKTON COUNTY PEOPLE'S UNION CONVENTION

In pursuance of this notice, a mass convention was held in Yankton on Saturday, the 19th inst., on which occasion the proceedings printed below took place:

Yankton, S. D., Saturday, July 19, 1862.

Pursuant to previous notice a primary meeting was held at Yankton on Saturday, the 19th inst., for the purpose of electing delegates to represent Yankton County at the People's Union Delegate Convention, to be held at Vermillion on the 24th inst.

On motion, Obed Foote was chosen chairman, and James M. Allen, secretary, of the convention.

The following persons were then, on motion, elected delegates to Vermillion: Henry Bradley, Peter Johnson, W. P. Lyman, William Bordino, John Stanage, J. M. Allen, David Fisher and Nelson Collamer.

On motion of Mr. Lyman, the delegates present at the territorial convention were authorized to cast the vote of absentees; and on motion of Mr. Fisher the delegates were instructed to vote as a unit.

Mr. Lyman offered the following resolution, which was adopted without discussion or a dissenting vote:

Resolved, That the delegation be instructed to use all honorable means to secure the nomination of General Todd as delegate to Congress.

The chairman, on motion, appointed the following persons a committee to call a county convention for the purpose of nominating a county and representative ticket at such time

as may be deemed proper, to wit: W. P. Lyman, William Bordino, Gonzac Bourret, David Fisher, John Johnson and Obed Foote.

On motion of Mr. Spottswood, the proceedings were ordered published in the *Dakotian*, and on motion of Mr. Bordino, the convention then adjourned.

OBED FOOTE, Chairman.

JAS. M. ALLEN, Secretary.

CLAY COUNTY PEOPLE'S UNION CONVENTION

At a meeting held at Vermillion on the 19th day of July, 1862, as per previous notice, to nominate delegates to attend a territorial convention to be held at the above named place on the 24th inst., for the purpose of nominating a candidate to represent the people of Dakota in the Congress of the United States, on motion of Mr. G. B. Bigelow Judge Wm. Shriner was called to the chair, and Jesse Wherry elected secretary. After which the chair stated the object of the meeting.

On motion of Mr. Kelley, the following resolution was offered:

Resolved, That this meeting proceed by ballot to elect fourteen delegates to represent this county in the territorial convention to be held at this place; and be it further resolved that we respectfully suggest to the said convention of the 24th to give the said county the number of fourteen delegates, humbly conceiving, as we do, that said county is entitled to the same upon the proper basis of representation.

On motion of T. Halverson, said resolution was adopted.

Mr. Bond offered the following resolution:

Resolved, That the delegates be chosen separately, and a plurality vote entitles each delegate to an election.

On motion of Mr. Kennerly, for the adoption of the resolution, an argument ensued, which was participated in by Messrs. Bond, Kelley, Clark, Deuel, and others, and resulted in Mr. Bond's resolution being sustained.

On motion of Mr. Deuel, the chair was instructed to appoint two tellers to conduct the election. Mr. Chairman appointed Messrs. Bigelow and John Russel.

On motion of Mr. Bond, the following resolution was unanimously adopted:

Resolved, That whereas P. H. Jewell has been a participant in the convention of this place on the 16th inst., for the purpose of nominating a delegate to Congress and territorial officers, and as the said P. H. Jewell suffered his name to be presented for territorial treasurer, and has received the nomination for the same and has not declined said nomination, yet denounces said convention, and wishing to force himself upon this meeting to secure the endorsement of this honest body for the purpose of obtaining a renomination; therefore be it resolved that we exclude the said Jewell from any participation in this meeting.

On motion of Mr. Kelley, the meeting proceeded to ballot. On the first ballot Mr. Deuel received the largest number of votes and was declared elected, he having received 29, Mr. Kelley, 18; Mr. Compton, 7; Mr. J. Whitehorn, 1; Mr. Kennerly, 1. The 2d, 3th, 4th, 5th, 6th, 7th, 8th and 9th ballots resulted in the election of the following named gentlemen as delegates: H. Compton, Ole Bottolfson, H. S. Kelley, B. A. Collar, Frank Taylor, Thomas Halverson and Ole Anderson. At this period the chairman, either worn out by the balloting, or not deeming himself equal to the emergency, requested to be relieved from the chair, which was granted, and Mr. T. Elwood Clark was unanimously chosen chairman, and the balloting resumed, which resulted in the election of the following gentlemen: Messrs. E. M. Bond, Miles R. Hall, Judge Shriner, E. Vinton and Erick Oleson.

On motion of Mr. Deuel, the proceedings of this meeting be published in the *Sioux City Register* and *Weekly Dakotan* at Yankton.

On motion of Mr. Bond, the delegates were instructed that if a vacancy should occur in delegates to the territorial convention, a majority of those present should cast the vote of the absentees.

No further business appearing, on motion of Mr. Kennerly the meeting adjourned.

T. ELWOOD CLARK, President.

J. WHERRY, Secretary.

PEOPLE'S UNION TERRITORIAL CONVENTION

Pursuant to the regular call the delegates from the various organized counties in this territory met at the McHenry House in Vermillion, on Thursday, July 24, 1862, for the purpose of nominating a candidate for delegate to Congress and territorial auditor and treasurer.

At 2 o'clock P. M., James M. Allen, of Yankton, called the convention to order, and upon his motion, Hon. John H. Shober, of Bon Homme, was chosen temporary president, who, upon taking the chair made a few well timed and patriotic remarks.

On motion of E. M. Bond, of Clay, Henry S. Kelley and Franklin Taylor were elected secretaries.

On motion of Jesse Wherry, the chair appointed Maj. W. P. Lyman, Yankton; E. M. Bond and M. R. Hall, of Clay, Committee on Credentials.

A brief recess was taken on motion of Austin Cole, of Cole County; and the convention being called to order, the credentials committee reported as follows:

Mr. President—Your committee beg leave to report that they have examined the credentials presented by the parties claiming seats in this convention and find the following named persons entitled to the same: Cole County—Joseph LaBarge, Judson LaMoure, William Adams, Ole Halverson, William Frisbie, Ole Kittleson, Dr. A. R. Phillips, William Mathews, Austin Cole and W. R. Goodfellow—10. Clay County—Jacob Deuel, H. Compton, Ole Bottolfson, H. S. Kelley, B. A. Collar, Jesse Wherry, Franklin Taylor, Ole Anderson, Thomas Halverson, E. M. Bond, M. R. Hall, William Shriner, E. M. Vinton and E. Olson—14. Yankton County—Henry Bradley, Peter Johnson, Wm. P. Lyman, William Bordino, John Stanage, J. M. Allen, David Fisher, and W. Nelson Collamer—8. Bon Homme County—Reuben Wallace, Daniel C. Gifford, W. W. Warford, R. M. Johnson, James Skinner and John H. Shober—6. Todd County—Felix Le Blanc and Otto Knutson—2. Minnehaha County—William Stevens and Charles Wambole. Charles Mix County—F. D. Pease and Elias W. Wall.

On motion, the temporary officers of the convention were declared to be the permanent officers.

On motion of James M. Allen, the chairman appointed J. M. Allen, E. M. Bond and Jesse Wherry a Committee on Resolutions. On motion of F. D. Pease, the apportionment of Charles Mix County was increased by allowing that county two more delegates.

The convention then proceeded to nomination of a candidate for delegate to Congress. W. P. Lyman and E. M. Bond were appointed tellers.

On motion of Mr. Bond, the first ballot was informal, and resulted as follows: J. B. S. Todd, 27 votes; Chas. P. Booge, 9 votes; F. J. Dewitt, 4 votes.

On motion of Mr. Bond, the convention then took a recess for one hour, at the expiration of which it reconvened; and on motion of Mr. Wherry, proceeded to a formal ballot for a candidate for delegates, as follows: J. B. S. Todd received 34 votes, and F. J. Dewitt 5 votes. Todd's majority, 29.

The chairman of the convention then stated that he was requested to say that Mr. Dewitt was not a candidate before the convention and that he had been voted for without his request.

Mr. Booge also withdrew and the nomination of General Todd, on motion, was made unanimous. Maj. Wm. P. Lyon and H. Compton were appointed a committee to notify General Todd of his nomination.

Henry S. Kelley, of Clay, was then nominated by acclamation for territorial auditor, and S. G. Irish, of Bon Homme, for territorial treasurer.

The Committee on Resolutions reported the following, which were unanimously adopted as the platform of the people's union party:

Whereas, The Constitution of the United States especially reserves to the people the right peaceably to assemble to discuss public matters, and forbids any abridgement of the freedom of speech; and whereas, in the misfortunes that now surround our dearly beloved country, it is especially the duty of every citizen to support the Government established by the Federal Constitution and guard with a jealous eye all infringements of the rights of the people by any department of the Government thereof; therefore,

First. Resolved, As a sense of this convention, that the present war should be waged for the purpose of restoring the Union as it was, and for the preservation of the Constitution as it is, and until that object is accomplished, the war should be vigorously prosecuted.

Second. That the hopes of the country are not centered in the republican or democratic parties, but in the union of all loyal, patriotic and law abiding citizens, irrespective of former party proclivities or partisan tenets, and that it is enfeebling the administration and jeopardizing the preservation of the Union, to attempt to draw party lines until our national difficulties are settled, the Union restored, the Constitution preserved, and the supremacy of the laws enforced and recognized.

Third. That we invite all conservative voters, whatever may have been their past political associations, to unite with us in a vigorous effort in favor of the Union, the Constitution and the enforcement of the laws.

Fourth. That we believe it to be the desire of the administration, that our officials should reside within the territory, during their term of office, and as he who is the highest in position has not yet become a resident of the territory, but is demanding the suffrages of the people to represent them in Congress, therefore we call upon the people to mete out to him the rebuke which his conduct so justly deserves.

Fifth. That the present unlimited veto power of the governor strips the Legislature of its free expression of the will of the people, and we therefore favor amending the Organic Act by Congress, so as to confer upon the governor only the usual two-thirds veto power, and to give to the people, through their Legislature, control of the public printing.

Sixth. That the best interests of the people require that all appropriations made by the general Government for the benefit of Dakota Territory, be disbursed among the people thereof, hence we utterly condemn the conduct of our Government officials in employing non-resident persons in the service of the territory to the exclusion of competent residents, and paying out to them the money which should be disbursed and retained in the territory.

And we look upon those politicians who profess to advocate such a policy in their platform, but continually act otherwise, as a cheat upon the people, injury to the territory, and an imposition upon the general Government.

Seventh. That in view of the disproportion of timber and prairie lands in the Northwest, we urge the propriety of Congress so amending the Homestead law as to allow the applicant to select his claim in two tracts, so that the actual settler shall be able to procure timber to support the prairies.

Eighth. That we favor the complete and perfect protection of claims on our public domain belonging to our citizen soldiers who have enlisted to fight our battles, preserve our liberties, and defend our Government in its hour of peril. And we believe that patriotic soldiers, drawn from the ranks of freemen, should have the privilege of expressing their choice, and recommending the officers to be stationed over them.

Ninth. That we repose implicit confidence in the ability and integrity of our candidates this day put in nomination, and cheerfully recommend them to the people for their suffrages as citizens who are identified with and have at heart the best interests of Dakota.

On motion of W. P. Lyman the chair appointed a Territorial Central Committee as follows:

Jesse Wherry, Clay County, chairman W. P. Lyman, Yankton; John H. Shober, Bon Homme; Joel A. Potter, Todd County; E. W. Wall, Charles Mix; William Stevens, Minnehaha; James McFetridge, Kitson, and Joseph LaBarge, Cole County.

On motion of E. W. Bond the Sioux City Register and Vermillion Republican were requested to publish the proceedings.

On motion the convention then adjourned.

HENRY S. KELLY,
FRANKLIN TAYLOR,
Secretaries.

JOHN H. SHOBER,
President.

These proceedings completed the territorial political conventions for 1862 and have been given in full in this book in order that the reader may be informed regarding the first steps taken in forming the political parties of Dakota.

The campaign was now open and very active were the politicians in all the settlements during its progress. The contest, it was evident, was to be a close one. Many republicans were supporting General Todd openly, and many others were doing the same quietly, caused largely by the sentiment that Governor Jayne, being a newcomer, was not entitled to the best office in the gift of the people, while the federal officials who supported Todd averred that Governor Jayne, in permitting himself to be a candidate, was creating a prejudice in the public mind against the officials, who would be charged with banding together for the purpose of controlling the political patronage of the territory in their own interest. It was also urged that party lines were out of place in a territorial election where the Delegate selected would have no voice or vote in legislation, and therefore voters should exercise their judgment as to the best man for the place regardless of his political or party antecedents.

YANKTON COUNTY REPUBLICAN AND UNION CONVENTION

A republican and union county convention was called by the chairman of the county committee, G. W. Kingsbury, to meet at Yankton on the 9th of August, 1862, at 2 o'clock P. M. to nominate candidates for representatives in the Legislature and county officers.

The convention was held at the Union House in accordance with the call. B. F. Barge was elected chairman, on motion of Doctor Townsend, and William Miner, secretary.

The convention proceeded at once to nominate a ticket. J. K. Fowler and John Lawrence were appointed tellers. The members of the council elected in 1861 were chosen for two years, and therefore held over.

For representatives there were two to be nominated. On the first ballot Knud Larson, of the Lake Settlement, received 26 votes; O. B. Wheeler, 11; J. R. Hanson, 4, and J. M. Stone, 2.

Larson was declared nominated, and a second ballot taken for the remaining representative, resulting, Hanson, 21; Wheeler, 17; Stone, 7; no choice. A third ballot was had, resulting, Hanson, 26; Wheeler, 22. On Wheeler's motion Hanson's nomination was made unanimous.

The county officers, except sheriff, were now nominated by acclamation, as follows:

Register of deeds, William Miner.

For sheriff C. L. Rossteuscher and C. S. White were named, and a ballot being had, Rossteuscher received twenty-one votes and White seventeen. Rossteuscher was then unanimously nominated.

Judge of probate, James M. Stone; justices of the peace, H. C. Ash and Samuel Grant (Ash afterwards withdrew); county attorney, George N. Propper; surveyor, James M. Stone; constables, J. B. Greenway and Abe D. Fisher; coroner, James E. Witherspoon.

On motion, the nomination of William Jayne for delegate to Congress was endorsed; after which the convention adjourned.

YANKTON COUNTY PEOPLE'S UNION CONVENTION

The Yankton County Convention of the people's union party was held, pursuant to call, on Tuesday, August 12th, 1862, at the James River House kept by John Stanage.

M. K. Armstrong called the convention to order. W. P. Lyman was elected chairman, and J. M. Allen secretary.

On motion of Mr. Armstrong, the chair appointed Messrs. Armstrong, Obed Foote and Peter Johnson a committee on resolutions.

The following nominations were made by acclamation:

For members of the House of Representatives, M. K. Armstrong and Obed Foote; register of deeds, James M. Allen; sheriff, Henry Bradley; judge of probate, John Stanage; attorney, Samuel Mortimer; surveyor, Thomas C. Powers; coroner, Nelson Nelson; county commissioners, Nelson Collamer, F. Johnson and B. Oleson; justices of the peace, J. S. Presho and George S. Brown; constables, Samuel Jerou and John Johnson.

The committee on resolutions reported as follows:

Resolved, That we cordially adopt the platform of the people's union convention convened at Vermillion on the 24th of July last, as our basis of principles and labor in the present campaign.

Resolved, That we endorse the candidates that day put in nomination, as eminently worthy the support of every good citizen of Dakota.

Resolved, That we repose implicit confidence in the integrity and ability of the nominees of this convention, and we believe that if elected they will serve with credit in the administration of our county affairs.

M. K. ARMSTRONG,
OBED FOOTE,
PETER JOHNSON.

Hon. John H. Shober of Bon Homme, being present, was called upon and entertained the convention with a few remarks, which were enthusiastically received.

On motion of Mr. Armstrong, the Dakotian, Vermillion Republican and Sioux City Register were requested to publish the proceedings.

The convention then adjourned.

BON HOMME COUNTY REPUBLICAN AND UNION CONVENTION

Pursuant to public notice given by the republican and union county committee, the citizens of Bon Homme County met at the town of Bon Homme on the 24th day of July, 1862, for the purpose of nominating a legislative and county ticket and to ratify the nominations made at the republican and union congressional convention held at Vermillion on the 16th inst.

Rev. M. D. Metcalf called the convention to order and nominated D. C. Gross as chairman.

On motion of Henry Hartsough, S. L. Parker was chosen secretary.

On motion of L. H. Litchfield, the convention proceeded to nominate, by informal ballot, candidates for the House of Representatives. The chair appointed L. H. Litchfield and M. D. Metcalf as tellers. The vote having been taken and counted, it was found that G. M. Pinney had received 13 votes; Henry Hartsough, 7; D. P. Bradford, 4; L. H. Litchfield, 2; D. C. Gross, 1; scattering, 10 votes.

On motion of Mr. Hartsough, the convention proceeded to a formal ballot for the nomination of candidates for the House of Representatives. Geo. M. Pinney having received the unanimous vote of the convention was declared nominated, and Henry Hartsough having received a majority of the votes was declared nominated.

On motion of Moses Herrick, the convention proceeded to nominate candidates for county offices, by acclamation, with the following result:

D. C. Ream, D. P. Bradford and Nathan McDaniel were nominated for county commissioners; M. D. Metcalf for county register; I. F. Hook for sheriff; D. C. Gross for probate judge; Samuel Hardy for justice of the peace; Jacob Keil and Morris Metcalf for constables; and Mendel Metcalf for coroner.

The following resolution was then introduced and adopted without a dissenting vote:

Resolved, That we heartily endorse the principles set forth in the platform adopted by the republican and union convention held at Vermillion on the 16th of this month, and that we pledge our entire cordial support to the nominees of the convention.

On motion of L. H. Litchfield, it was decided that the Vermillion Republican and Yankton Dakotan be requested to publish the proceedings of the convention. The convention then adjourned.

D. C. Gross, Chairman.

S. L. PARKER, Secretary.

NOTE Geo. M. Pinney was appointed United States marshal about August 1st and Laban H. Litchfield was substituted as a candidate for the House

MINNEHAHA COUNTY REPUBLICAN AND UNION CONVENTION

At a mass meeting of the citizens of Minnehaha County, held on the 30th inst. (July) at Sioux Falls City, for the purpose of selecting candidates for the Legislative Assembly and county officers, Amos F. Shaw was called to the chair and Charles Wambole elected secretary. The object of the meeting being stated, Mr. Brookings offered the following resolution, which was unanimously adopted:

Resolved, That we fully and cordially endorse the nomination of Gov. William Jayne for delegate to Congress, as one eminently fit to be made, and that we will use all honorable means to secure his election.

The following nominations were then made:

For representative, H. Masters; judge of probate, J. W. Evans; register of deeds, J. B. Amidon; district attorney, G. P. Waldron; sheriff, Charles Wambole; justices of the peace, John McClellan, William Stevens; county commissioners, Berne C. Fowler, A. F. Shaw, John McBee. The meeting was addressed by H. Masters and W. W. Brookings, urging the election of Gov. William Jayne to Congress and the support of the whole ticket. Judge Amidon offered the following resolution, which was adopted:

Resolved, That the proceedings of this meeting be sent to the Dakotan and Dakota Republican for publication.

AMOS F. SHAW, President.

CHAS. WAMBOLE, Secretary.

CHARLES MIX COUNTY REPUBLICAN AND UNION CONVENTION

At a meeting of the electors of Charles Mix County, held at the store of C. E. Hedges, on the 11th inst. (August), Elias W. Wall was called to the chair and Joseph P. Hamilton chosen secretary.

The chair stated the object of the meeting to be to place in nomination a ticket for county officers; whereupon, on motion of F. D. Pease, it was resolved that the convention should proceed to make nominations.

For delegate to congress, William Jayne was unanimously nominated; territorial auditor, Justice Townsend; territorial treasurer, P. H. Jewell; representative to Legislature, F. D. Pease; sheriff, John J. Thompson; judge of probate, Elias W. Wall; county commissioners, Napoleon Jack, Colin LaMont, and William A. Bartlett; justices of the peace, Y. A. Fisher and Paul Harsell; coroner, Colin Lamont.

The convention then unanimously adopted the following resolutions:

Resolved, That for delegate to Congress we heartily and cordially endorse the nomination of Governor William Jayne and the territorial ticket placed in nomination at Vermillion on the 16th day of July, and that the platform adopted by that convention is one that should meet the hearty approval of every true Dakotan who has at heart the real interest of the territory and her present and future prosperity.

Resolved, That the county ticket placed in nomination this day is of the right sort, and shall have our cordial and undivided support on the day of election.

Resolved, That the proceedings of this meeting be published in the Dakotan.

E. W. WALL, Chairman.

JOSEPH B. HAMILTON, Secretary.

Charles Mix County, August 12, 1862.

BON HOMME COUNTY PEOPLE'S UNION CONVENTION

Pursuant to notice the citizens of Bon Homme County met in the schoolhouse in mass convention, August 11, 1862, for the purpose of nominating two candidates for the House of Representatives of Dakota Territory, county officers, and to ratify the action of the People's Union Convention held at Vermillion, July 24, 1862.

The convention was called to order by J. H. Shober, and on motion of Edward Gifford, Reuben Wallace was chosen president of the convention. On motion of N. McDaniels, W. W. Warford was chosen secretary.

On motion of J. H. Shober the convention proceeded to ballot for two candidates for the House of Representatives of Dakota Territory. On motion of R. M. Johnson, N. McDaniels and S. G. Irish were appointed tellers. The first ballot for members of the legislative assembly resulted as follows:

Edward Gifford received 31 votes, R. M. Johnson received 31 votes, and having received the unanimous vote of the convention, were declared, on motion of Jas. Skinner, to be the nominees.

On motion of Mr. Hammond, the convention proceeded to nominate county officers by acclamation; the following were unanimously nominated:

County commissioners, N. McDaniels, James Skinner and S. G. Irish; sheriff, J. F. Hook; register of deeds, W. W. Warford; judge of probate, Hugh Fraley; county surveyor, Erastus Rowley; district attorney, Samuel Hardy; coroner, C. W. Cooper; justices of the peace, William Hammond, D. P. Bradford, Henry Brooks; constables, Jacob Teel, D. C. Gross and Morris Metcalf.

On motion of J. H. Shober, the following resolutions were unanimously adopted:

Resolved, That we unanimously endorse the principles set forth in the platform adopted by the People's Union Convention held at Vermillion, July 24, 1862, recognizing therein the expression of the true sentiment of all parties who have at heart the best interests of Dakota Territory, and we hereby pledge our undivided support to secure the election of the nominees of said convention.

Resolved, That the Dakotan and Dakota Republican be requested to publish the proceedings of this convention.

On motion of Hugh Fraley, the convention adjourned to meet at the polls on the first Monday of September next, to elect the candidates this day placed in nomination.

R. WALLACE, Chairman.

W. W. WARFORD, Secretary.

EAST DISTRICT CLAY COUNTY PEOPLE'S UNION CONVENTION

Pursuant to the previous notice the citizens of the East District of Clay County met in mass convention on Saturday, August 16, for the purpose of nominating two candidates for representatives, for the people's union ticket for said district.

On motion of H. Compton, T. E. Clark was called to the chair and E. Vinton was chosen secretary, after which the object of the meeting was stated by the president.

On motion of Mr. Wherry, A. J. Harlan was nominated (there being no opposition) by acclamation.

On motion of Mr. Wherry the convention proceeded to an informal ballot for the remaining candidate. On motion of Mr. Harlan the convention determined that a majority of all the votes cast should constitute a choice. On motion of Mr. H. O. Kelley, Messrs. Kelley and Lyman Burgess were appointed tellers. The convention then proceeded to ballot for the following named gentlemen: Franklin Taylor, Halver Gunderson and Lyman Burgess, which resulted in Mr. Taylor receiving the largest number of votes. On motion of Mr. G. Pratt, the convention took a recess for fifteen minutes. The convention was called to order at the expiration of that time, and on motion of Mr. Bigelow, proceeded to a formal ballot for the nomination of a representative, which resulted in the choice of Mr. F. Taylor, who had received a majority of all the votes cast and was declared duly nominated. On motion of H. Compton the convention adjourned.

T. ELWOOD CLARK, President

E. VINTON, Secretary.

WEST VERMILION PEOPLE'S UNION CONVENTION

Pursuant to call, the People's Union District Convention for the Third Representative District convened at the Eight Mile House, Lincoln, Clay County, for the purpose of nominating two candidates for the House of Representatives of Dakota.

The convention was called to order by Hon. J. A. Jacobson.

On motion of E. M. Bond, Hon. Jacob Deuel was chosen chairman; and on motion of Mr. Jacobson, Charles Porter was chosen secretary. On motion of E. M. Bond the chair appointed F. Ellison and H. Ormen tellers. The convention then proceeded to take an informal ballot for two candidates for representatives, which resulted as follows: J. A. Jacobson, 30 votes; E. M. Bond, 33 votes; J. Whitehorn, 6 votes; Lasse Bothun, 3 votes.

On motion of Michael Lawson, J. A. Jacobson and E. M. Bond were declared unanimously nominated.

On motion of E. M. Bond the Dakotan and Sioux City Register were requested to publish the proceedings of the convention. On motion of L. Robinson the convention adjourned.

J. DEUEL, Chairman.

CHAS. PORTER, Secretary.

CLAY COUNTY PEOPLE'S UNION CONVENTION

According to notice heretofore given, the citizens of Clay County met in mass convention on the 10th of August, at 2 P. M., for the purpose of nominating a people's union ticket for the respective offices of said county.

On motion of Mr. Bigelow, A. J. Harlan was called to the chair and E. Vinton was chosen secretary.

On motion of E. M. Bond the convention determined that Vermillion be allowed two county commissioners.

Mr. Bond and Lyman Burgess were appointed tellers.

On motion of H. S. Kelley, it was determined that a majority vote should constitute a choice for a nomination.

On motion of Jesse Wherry, Wm. Shriner, for probate judge, and G. B. Bigelow, for prosecuting attorney, were nominated by acclamation.

On motion of Hon. Jacob Deuel, the convention determined that in the further nomination of candidates, if there be more than one proposed, the convention shall decide the nomination by ballot, otherwise by acclamation.

On motion of A. C. Van Meter a ballot was taken for county commissioner. In fifty-five votes cast T. Halverson received thirty and was declared nominated.

On motion of Mr. Deuel, T. Ellison was nominated for commissioner of East Vermillion.

On motion of Mr. Whitehorn, Auslick Overson was nominated for county commissioner of West Vermillion.

On motion of H. Compton, H. Gunderson was nominated for register of deeds. A ballot was then taken on nomination for sheriff and B. W. Collar was duly nominated.

On motion of Mr. Halverson, Ole Bottolfson was nominated for coroner by acclamation. Minor Robinson for East Vermillion and Charles Porter for West Vermillion were nominated for justices of the peace, and N. Ross for East Vermillion and C. Larson for West Vermillion were nominated for constables.

On motion of Frank Taylor, Israel Trumbo was nominated for county surveyor.

A committee on resolutions consisting of Jesse Wherry, N. Ross and Ole Bottolfson reported as follows:

Resolved, That we cordially endorse the nominees of the people's union convention of the 24th of July and adopt their platform as our principles in this campaign.

Resolved, That we pledge our undivided support to the candidates this day put in nomination, reposing implicit confidence in their integrity and ability, believing them to be for our true interest, and will use all honorable means to secure their election.

On motion of J. Deuel the resolutions were adopted and on motion of Mr. Wherry the Sioux City Register and Dakotan were requested to publish the proceedings.

No further business appearing, on motion of Mr. Bigelow the convention adjourned sine die.

A. J. HARLAN, Secretary.

E. VINTON, Secretary.

COLE COUNTY PEOPLE'S UNION CONVENTION

Pursuant to previous notice the citizens of Cole County met at the schoolhouse in Elk Point on Saturday, August 16, 1862, for the purpose of nominating two candidates for the House of Representatives of Dakota Territory and the different county officers.

The convention was called to order by A. J. Bell, and on motion of J. Labarge, Judson La Moure was chosen chairman and E. B. Wixson, secretary.

On motion of Austin Cole, a committee was appointed, consisting of George Stickney, R. A. Hotchkiss and Wm. Goodfellow, to draft resolutions expressive of the sense of the meeting, and after due deliberation presented the following resolutions, which were unanimously adopted:

Resolved, That this convention in nominating county officers nominate by ballot, and separately for each officer, and any person receiving a plurality of all the votes cast shall be declared the nominee.

Resolved, That the men this day placed in nomination by this convention shall publicly pledge themselves before this meeting to support the nominees.

On motion of Austin Cole, the convention proceeded to a formal ballot for representatives, which resulted as follows;

N. J. Wallace received 26 votes; John McBride, 9; Michael Ryan, 6; M. K. Somers, 25 votes. Wallace and Somers, having received the highest number of votes, were declared the nominees.

On motion the nominees for county officers were elected by acclamation. The following ticket was nominated:

County commissioners, Thomas C. Watson, Sherman Clyde and Archibald Christie; register of deeds, Henry Carpenter; sheriff, John Brouillard; probate judge, A. R. Phillips; coroner, Michael Ryan; surveyor, A. J. Bell; county attorney, George Stickney.

On motion the Yankton Dakotan, Vermillion Republican and Sioux City Register were requested to publish the proceedings.

On motion of Austin Cole the convention adjourned.

JUDSON LA MOURE, Chairman.

E. B. WIXSON, Secretary.

TODD, GREGORY, CHARLES MIX AND BRUGHIER COUNTIES CONVENTION

At a mass meeting of the electors of the counties of Todd, Gregory, Charles Mix and Brughier, held at the store of H. E. Gregory in Todd County, on the 14th day of August, 1862, Joel A. Potter was called to the chair and H. A. Kennerly elected secretary.

The chair stated the object of the meeting to be to place in nomination a candidate for representative.

On motion of Felix LeBlanc, Henry A. Kennerly was unanimously nominated for representative.

The Todd and Gregory County delegates then nominated the following for county officers:

County commissioners, J. Knutson, Jacob Hack and William Morsler; register of deeds, Henry Gregory; sheriff, James Maloney; coroner, William Hargiss; surveyor, G. Howe;

justices of the peace, Felix LeBlanc and G. A. Fisher; constables, William Monsel and P. Gorran.

The Charles Mix and Brughier County delegates nominated the following ticket:

County commissioners, Colon LaMont, Colin Campbell and W. A. Bartlett; sheriff, John J. Thompson; probate judge, Elias Wall; coroner, W. A. Burleigh; surveyor, P. Phleceant; district attorney, George Pleach; justices of the peace, Louis Archambeau and J. Falk; constables, Charles E. Hedges and J. Burleigh.

On motion of J. Potter the following resolutions were unanimously adopted:

Resolved, That we heartily endorse the nominations made at the people's union convention held at Vermillion July 24, 1862, and we pledge our undivided support to secure the election of the persons put in nomination by the said convention.

On motion of Felix LeBlanc, the convention adjourned.

JOEL A. POTTER, Chairman

H. KENNERLY, Secretary.

The purpose of these county convention sketches is simply to inform those who have since settled in the old counties, of the first step in the organization of political parties in their county, which organizations were probably continuous during the territorial days, and until the modern reforms displaced them.

I. COUNTIES AND COUNTY ORGANIZATIONS

At the first election in the Territory of Dakota, held in 1861, the only officers elected were a delegate to Congress and members of the Legislature. This election was called, and election districts set off, by proclamation of the governor under authority given that officer by the Organic Act. The Legislature elected at this election was, by the same proclamation, called to meet at Yankton on Monday, the 17th day of March, 1862. During the session of this Legislature, a law was enacted defining the boundaries of certain counties, to-wit: Cole, Lincoln, Minnehaha, Brookings and Deuel, on the Big Sioux River; Stevens, Chippewa, Cheyenne and Kittson, on the Red River of the North; and Clay, Yankton, Bon Homme, Charles Mix, Brughier, Gregory and Todd, along the Missouri River; and Jayne and Hutchinson, in the James River Valley, north of Yankton and Bon Homme counties. Temporary county seats were named for such of the counties as possessed white settlements; and the law required the governor to appoint the officers provided for, to hold until after the first election and until their successors were elected and qualified. The general election was appointed by law to be held on the first Monday in September, in every even numbered year, and an annual election every odd numbered year for the election of members of the Legislative Assembly and to supply vacancies that may have occurred in county offices. The members of the House of Representatives were, however, required by the organic act to be elected annually.

A law had been enacted by the first Legislature authorizing and requiring the governor to appoint the county officers provided for in various counties, who were to hold offices until their successors were elected and qualified. The first general election was appointed to be held on Monday, September 1, 1862. The officers so provided were three county commissioners; register of deeds, who was also county clerk and clerk of the board; sheriff; judge of probate, who was ex-officio county treasurer; county attorney; surveyor; coroner; superintendent of schools; two justices of the peace, and two constables.

The first meeting of the first board of county commissioners of Yankton County occurred on Monday, the 2d day of June, 1862. The body consisted of Dr. Justus Townsend, Henry Bradley and Otis B. Wheeler, who had been appointed by the governor. Doctor Townsend was elected chairman of the board, but no other business was transacted, the board adjourning until the second Monday of July. The meeting was held at the Ash Hotel. The other county officers appointed by the governor were William Bordino, register of deeds; William Miner, sheriff; J. R. Hanson, judge of probate; James M. Stone, county surveyor, and Charles S. White and J. S. Presho, justices of the peace. These were the first officers of the county, Judge Bliss administering the oath of office

to them, and the event was looked upon of such importance that it was appropriately celebrated in accordance with frontier custom. The county attorney, coroner and constables were not designated, but they were mingled somewhere with those who volunteered to take part in the celebration as private citizens.

The governor also appointed a portion of the county officers for the other counties, but does not seem to have made the list complete.

For Clay County he appointed Aaron Carpenter, George W. Wilson and L. Bothum, county commissioners, and Franklin Taylor, register of deeds.

For Cole (now Union) County: J. Mathers, B. A. Hill and John R. Wood, county commissioners, and N. J. Wallace, register of deeds.

For Bon Homme County: County commissioners, Byron M. Smith, L. H. Litchfield and Henry Hartsough, and H. W. Granger, register of deeds. This board organized and appointed the remainder of county officers, as follows: Sheriff, J. F. Hook, judge of probate, D. C. Gross; county attorney, M. D. Metcalf; superintendent of schools, C. G. Irish; justices of the peace, D. T. Bradford and William Hammond.

For Charles Mix County, F. F. Wheeler, Felicia Fallas and C. P. Barbier were appointed county commissioners, and Colin Lamont, register of deeds. The county seat had been established at Papineau, on the Missouri, by the Legislature.

Kitson County, Red River of the North: Norman W. Kittson, Charles LeMay and Baptiste Shorette, county commissioners; Charles Marrian, register of deeds.

Todd County: James B. Gayton, register of deeds; Robert M. Hagaman, George Detwiler and Robert Barnum, commissioners.

Minnehaha County: Henry Masters, register of deeds; B. C. Fowler, William Stevens and William Amidon, commissioners; J. B. Amidon, judge of probate; J. W. Evans, sheriff; James McCall, justice of the peace.

The governor subsequently revoked the appointment of N. J. Wallace, register of deeds of Cole County, and appointed M. M. Rich. He also appointed L. H. Litchfield register of deeds of Bon Homme County, Mr. Granger neglecting to qualify.

This first general election to be held in Dakota Territory under the territorial law had been right in the midst of the exciting events of the Indian troubles related in subsequent chapters. It came off on Monday, September 1st, when service in the Dakota militia was the principal occupation of the citizens. It was a time when voters went to the polls carrying guns on their shoulders. The attendance of voters included nearly every one in the territory entitled to vote, possibly somewhat augmented by the ugly reports afloat regarding hostile Indians and the recent killing of the Amidons at Sioux Falls. In some precincts in the territory, Sioux Falls in particular, no election was held, the settlers having abandoned that place for Yankton a few days prior to election day.

At Brule Creek precinct, in Union County, the excitement and alarm grew so intense that many of the settlers resolved on leaving the settlement and going to Sioux City the night before the election and, in order that they might not lose their votes, the polls were opened during the night and a large number of votes were received and recorded, some of which were cast by minors and non-residents, and quite a large number were evidently placed in the ballot box surreptitiously by some party who had a large interest in locating the county seat on Brule Creek; the location of which was voted upon at this election and in fact was the predominating issue in the county. The polls were also regularly opened the following morning and the election held, but the vote of the precinct was so vitiated by these illegal proceedings that it was thrown out by the national House of Representatives and disregarded by the next Legislature.

The returns of the election, as made to the secretary of the territory, were all in that official's hands within the forty days prescribed by law except the returns from the Red River precincts, St. Joseph and Pembina, Kitson County. Under the law the board of territorial canvassers was composed of the gov-

ernor, chief justice and secretary, but in this case the governor having been a candidate for delegate, was disqualified from sitting with the board. The two other members canvassed the returns on Tuesday, the 21st of October, with the result following:

For William Jayne:	
Cole County—Elk Point and Willow Precinct	18
Cole County—Brule Creek.....	63
Clay County—First Precinct.....	43
Cole County—Second Precinct.....	34
Yankton County—Yankton Precinct.....	66
Todd County—One precinct.....	13

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Also these votes, which the canvassing board threw out:

Charles Mix County—One precinct.....	138
Dakota Cavalry	90

147

For J. B. S. Todd:	
Cole County—Elk Point and Willow Precinct	50
Cole County—Brule Creek.....	8
Clay County—First Precinct.....	40
Clay County—Second Precinct.....	33
Yankton County—Yankton Precinct.....	66
Todd County—One precinct.....	24

221

Also these votes, which the board threw out:

Charles Mix County.....	7
Bon Homme County.....	22
Dakota Cavalry	9

38

William Jayne having received a majority was declared elected and proclamation to that effect was made by Acting Governor Hutchinson, November 20, 1862.

General Todd, who was sojourning in Yankton, was present at the canvass.

It will be observed that no returns appear to have been received from the Red River of the North precincts.

Under the election law of the territory passed at the first session of the Legislature, which was held a few months previous to this election, the secretary of the territory was required, in case the returns for delegate to Congress from any county had not been received within forty days after the election, to send a messenger after them, the compensation of said messenger to be 10 cents a mile for each mile necessarily traveled going and returning, the 10 cents a mile to be paid out of the treasury. The returns from Kitson County had not been received when the forty days expired, and under the law it was the duty of the secretary to forthwith send a messenger after them. But right here a peculiar condition confronted him. Pembina, on the Red River, was 1,000 miles away according to the only route that had been traveled which was via St. Paul. A few miles beyond St. Paul the route laid through an almost unbroken wilderness for several hundred miles. It would probably require at least fifty days to make the journey and return, providing the messenger was not scalped en route or lost on the plains. There was a stage line and may have been a short piece of railway between Yankton and St. Paul, but from that city to Pembina, there was no public conveyance except for a short distance. A person making the trip would require a good camping outfit and a team with forage and provision. It would cost about one thousand dollars to send a messenger to Pembina from Yankton at that time and pay his expenses. The 10 cents a mile would pay only one-tenth of the expense; and even this sum would have to be raised by contribution, for the machinery of territorial and county government had not yet been set in motion and no taxes had been levied. But there was still another phase of this particular case that would have shouldered the burden of paying the expenses entirely upon private parties. The law declared that the expense of 10 cents a mile would have to be paid out of the treasury. What treasury did the law contemplate? Manifestly the treasury of the delinquent county as a penalty for neglecting to send in its returns. Now this Kitson County was laid out over land that belonged to the Chippewa Indians, and had not been ceded to the United States. How long would it be before Kitson County could be expected to organize and pay a fraction of this expense. As a matter of fact and of history, it was never organized.

The Red River returns were afterwards received but the canvass had been made and the result declared, and the board of canvassers had no authority to reopen. It had exhausted its powers. These returns showed that the election was held September 1st, the abstract was dated September 5th, and the register of deeds affidavit was made September 13th, in ample time to have reached Yankton before the canvass.

According to these returns there were 144 votes cast at Pembina, a greater vote than was polled at any other precinct in the territory. Todd received 125 and Jayne 19. Had these returns been received and counted by the board of canvassers, Todd would have had a majority of ninety votes.

A public proclamation, as required, was later made by the secretary, announcing the result as follows:

To the People of Dakota Territory:

I, John Hutchinson, secretary and acting governor of the Territory of Dakota, do hereby proclaim: That at a general election held on the 1st day of September, 1862, in said territory, William Jayne received a majority of the votes cast for delegate to Congress, and was therefore duly elected as such; that Justus Townsend received a majority of the votes cast for territorial auditor, and was duly elected as such, and that S. G. Irish received a majority of the votes cast for territorial treasurer and was duly elected as such.

In testimony whereof I have hereunto subscribed my name and affixed my official seal. Done at Yankton this 29th day of November, 1862.

JOHN HUTCHINSON, Secretary and Acting Governor.

The Legislature had provided for the election of a territorial auditor and treasurer, and these officers were elected, no one questioning that such procedure was in conformity with law. It was later discovered that the Organic Act provided for the appointment by the governor of all territorial offices created by the Legislature, and thereafter such officials were so appointed and confirmed by the council. And thereafter, these, who had been elected were also formally appointed by the governor and confirmed.

CHAPTER XXIII

THE GREAT INDIAN WAR

1862

BEGINNING OF THE GREAT INDIAN WAR—THE OUTBREAK IN MINNESOTA—CAUSES OF THE REVOLT—THE LITTLE CROW MASSACRE—HOSTILE INDIANS DRIVEN INTO DAKOTA BY MINNESOTA TROOPS—GOVERNOR CALLS OUT MILITIA; MILITIA RESPONDS—DEFENSIVE WORKS HASTILY CONSTRUCTED AT YANKTON—INDIANS DRIVE SETTLERS FROM THE TERRITORY—YANKTON ONLY OCCUPIED SETTLEMENT—SKETCH OF PICOTTE—CAPTIVE WOMEN AND CHILDREN RESCUED.

A squad of the cavalry troops under Captain Miner, while scouting on Turkey Creek, ran into a band of pillaging Indians early in August in 1862, who claimed they were Sissetons from Brown Valley, Minnesota. They had been roaming at will through the settlements, and annoyed and alarmed the settlers by their boldness in begging and sometimes by offensive threats. Nearly all the settlers were without arms, and many of them were quite ignorant regarding their practical use, which fact came out later when the troubles grew very serious. Captain Miner explained to the Indians that they had no right to be wandering through the settlements terrifying the farmers; that it was unsafe for them to remain in this section, and that he would take them all into custody unless they would go back to their reservation without delay. This they prepared to do, packed up, and started in the direction of the reservation, 200 miles away.

It became known to the Dakota settlers early in August, mainly through Indian sources, that the Santee Indians in Minnesota were very defiant and threatened hostilities. Their chief was Little Crow, an intelligent and daring leader, but for many years had led the life of a civilized Indian, pursuing farming and cattle raising and mingling freely with the white people. There had been indiscreet and possibly dishonest management on the part of some of the Government agents in Minnesota sufficient to furnish a pretext for hostilities where the Indians were inclined in a hostile direction. They were emboldened also by what they had learned of the great war then pending, and which they regarded with much indifference, except that the Great Father would have to employ all his soldiers against his own children and would have none to fight the Indians with in case they should take to the warpath. So the hostile spirit grew and increased and at length culminated in one of the most brutal and ferocious massacres ever committed by Indians. The scene of the disturbance was first at near Red Wing, Minnesota, but spread until the entire frontier of the state was alarmed and settlers fleeing for protection. New Ulm was besieged, a battle fought, and a general Indian war lasting several years followed with Dakota for its battleground. Regarding the direct causes of this Little Crow outbreak, the historian of the Minnesota Society gives the following account:

The Indian reservation set apart by the treaties of 1851, a tract twenty miles wide on the upper part of the Minnesota River, embracing some of the finest lands in the state, was becoming a barrier to settlements in the Upper Minnesota Valley. Settlers had taken

lands close up to the reservation, and there was considerable complaint that Indians were coming off the reservation and committing petty depredations, and the Indians had more or less complaint to make regarding the extortions practiced by the post traders. The encroachments of the whites were viewed with suspicion by the Indians, and sooner or later, from these causes alone, a conflict would probably have occurred. The War of the Rebellion, calling away so many of the able-bodied men of the state, left the frontier settlements almost defenseless, and doubtless causing the younger members of the tribes to become more offensive to the settlers and more exacting in their demands.

The lands embraced within the reservation under the treaty of 1851 were in the heart of Minnesota, and considering the forests and streams, were the choicest farming lands. The settlers on the border were anxiously coveting this Garden of Eden. A sentiment was created throughout the state that the Indians should abandon their tribal relations and become civilized. To this end the head men of the Dakota Nation were induced, in 1858, to go to Washington, under charge of the Hon. Joseph R. Brown, in whom they had great confidence, for the purpose of negotiating for the whole or part of this reservation. Treaties were signed, ceding the ten-mile strip on the north side of the river, upon the payment of \$140,000, and the Government provided that every head of a family or single person over the age of twenty-one years, adopting a civilized life, should secure in fee eighty acres of land. From some cause the payments of \$140,000 were never made; and there was great dissatisfaction on account of this treaty among those of the tribes who were averse to accepting the conditions of civilization. From the fact that there was no money divided among them on account of this relinquishment, a bitter dissension arose between the older chiefs and the younger members, the latter claiming that they had been robbed either by the chiefs or by the Government, and they proposed to have the settlement, peaceful or otherwise.

This internal strife was augmented from year to year by the withdrawal of families who were willing to accept the civilization fund, the number in three years succeeding the treaty amounting to 160 persons. They were, however, still annuity Indians, and claimed the right to be heard in the councils. The annuity Indians, all told, numbered about six thousand two hundred, and the annual cash payment to each person amounted to about fifteen dollars. The Indians were treated as wards of the United States. Two agencies were established around which were gathered storekeepers to sell the Indians goods in anticipation of the annuity payments; and usually, the annual payment was simply a settlement of the claims of the traders, who took the risk of furnishing the goods in advance. That there was injustice practiced upon the Indians is doubtless true; probably not so great as the disaffected Indians imagined. There was enough, however, to make the time of the annual payment an anxious period for fear of an outbreak. The failure of the Government in its attempt to punish the Spirit Lake murderers had a tendency to create a feeling among the leaders of the rebellious spirit that if they could only unite the whole body of Sioux in an uprising they could make a successful attack upon the settlers, and perhaps regain the lands formerly held by the Indians. The War of the Rebellion, starting in 1861, gave renewed energy to the discontent. The Indians were well aware of the reverses of the Union forces during the first year of the war. The calls for troops were taking the able-bodied men from the farms in all the northern states, and many of the half-breeds had volunteered for the army. All these conditions had a disquieting effect; and, added to this, in 1862 the June payment was not made; and as there was no satisfactory answer for the delay, the traders took the advantage of the necessities of the Indians, and insinuated that perhaps the Government would go to pieces and there would be no further payments. The missionaries endeavored to counteract these evil influences, and, with the aid of the civilized Indians, succeeded in averting a deliberate outbreak. The delay in payment of annuities, however, tended to keep up the discontent, particularly among the younger braves, who were the hunters. Their vagabond life brought them into the settlements, and in contact with the whites; and their worthless, lazy habits made them offensive to the families as beggars of meals or money, or anything that took their fancy.

These were, in brief, the circumstances that led up to the great massacre of 1862, which for a short time threatened the lives of all the settlers on the western boundary of the state. There was no concerted action for the massacre, and to some extent there is an uncertainty as to why the first murders were committed. Four young men, or boys, are believed to have commenced the massacre in a spirit of bravado, making a threatening attack first upon a family, driving them from their homes, and afterwards following them to a neighbor's house, where, after an altercation with the families, they killed three men and two women. These occurrences took place on the 17th of August, in the Township of Acton, twelve miles west of Litchfield. Realizing that if they remained in the vicinity punishment would soon overtake their murderous acts, they lost no time in going back to camp, relating what they had done, and asked protection. A hasty consultation was had between two of the chiefs;

they realized that the murderers must be delivered up, or the annuities would be stopped, and a war of extermination inaugurated. They chose to stand by the murderers, and immediately following there was an uprising of the entire Sioux bands. So swift were their movements, before any effective resistance could be brought against them, that about eight hundred of the settlers, men, women and children, were murdered within a few days. The prompt action of the state authorities, aided by the National Government, resulted in the capture of about two thousand of the belligerent Indians, and the withdrawal of the remainder beyond the boundaries of the state, into the wilds of Dakota. Of the captured Indians 303 were found guilty of murder and rape, and were condemned to death by a military court martial, of this number 265 were reprieved by President Lincoln, and the remainder thirty-eight of the most prominent engaged in the massacre, were hung in Mankato on the 26th of December, 1862. The next year the Federal Government authorized an expedition against the Indians who had escaped to the Dakota plains.

This outbreak in Minnesota occurred about the middle of August, 1862, and was followed by the energetic organization of the Minnesota Militia, who under General Sibley hurried to the frontier and not only subdued the insurrection but made prisoners of a large number of the Indians and drove other large numbers westward into Dakota where a portion of them divided into small parties and began their depredations on the Dakota settlements.

Sioux Falls was the first in their path, and near that town on the 25th of August, they killed Judge J. B. Amidon and his son, William, who were at work in a hay field within a mile of the village.

MILITIA CALLED OUT

Governor Jayne, realizing the defenseless condition of the settlements in Dakota, by proclamation issued on the 30th day of August, 1862, called upon the settlers to organize military companies for their own protection and defense without delay. Here follows the governor's proclamation:

Whereas, The recent Indian outbreak and war in Minnesota, and the still more recent attack at Sioux Falls, and the murder in open daylight of one of our oldest and most respected settlers and his son, in their field within a mile of a place guarded by a detachment of Dakota cavalry, gives good reason to fear Indian depredations and warns us to prepare for defense.

It is ordered, that every male citizen in the territory between the ages of eighteen and fifty, shall at once enroll himself in a company to be formed for home defense, in his respective county, with such arms as he may have in his possession.

Immediately on the reception of this proclamation it is ordered that the citizens of Cole County assemble at Elk Point for the purpose of organizing a company for home protection. That the citizens of Clay County meet in the Town of Vermillion; that the citizens of Yankton County meet at the Town of Yankton; that the citizens of Bon Homme meet in the Town of Bon Homme; the citizens of Todd County will meet at the settlement at the mouth of the Running Water; and the citizens of Charles Mix County will meet at Pease's settlement.

I have already made a requisition on the commanding officer at Fort Randall for arms and ammunition which will at once be distributed among the companies formed. If a sufficient supply of arms cannot be had at Fort Randall, I will at once supply each company with arms from Fort Leavenworth.

The citizens of each county will, after assembling together, proceed to elect their own officers, who will be commissioned by me as soon as the returns of such election shall be received at the office. I will endeavor to secure from the Yankton Agency a few reliable Yankton Indians to act as scouts.

In witness whereof I have hereunto subscribed my name and affixed my seal. Done at Yankton, this 30th day of August, in the year of our Lord, one thousand eight hundred and sixty-two.

W. JAYNE, Governor.

The governor proceeded immediately to appoint and organize his staff, Charles P. Booge was appointed adjutant general, and Robert M. Hagaman, aid-de-camp. General Booge appointed M. K. Armstrong, aid-de-camp; D. F. Bram-

ble, brigade quartermaster; J. R. Hanson, judge advocate and Rev. Melancthon Hoyt, brigade chaplain.

Responding to the proclamation of the governor the citizens of Yankton assembled at the log church on the corner of Fourth and Linn streets, on Saturday, August 30th, at 8 o'clock in the evening, and proceeded to enroll themselves preparatory to organizing a company of militia. Enos Stutsman was made president of the meeting and G. W. Kingsbury, secretary. About sixty names were enrolled as fast as they could be written down, and twenty others were added as the settlers came in from their claims:

We here affix the names of the signers, all but twenty being present at the first meeting. The list includes every white male inhabitant of the county of lawful age, except the members of Company A, First Dakota, and the settlers at "the Lakes," which was a settlement of Norwegians founded in 1860. These people were cut off from Yankton by the early Indian raid, and were obliged to seek refuge in Nebraska. Had they remained in their settlement they would undoubtedly have met the war party, and all been slain.

Enos Stutsman, D. T. Bramble, William Bordino, W. N. Collamer, David Fisher, James M. Allen, Newton Edmunds, M. K. Armstrong, H. T. Bailey, J. R. Hanson, John E. Allen, G. W. Kingsbury, J. C. Trask, Obed Foote, George Brown, Parker V. Brown, William P. Lyman, Charles F. Rossteuscher, Charles F. Picotte, Thomas C. Powers, Augustus High, William High, L. M. Griffith, James Falkenburg, Nicholas Felling, Antonie Robeart, F. W. Ziebach, A. S. Chase, Samuel Grant, John Lawrence, William H. Werdebaugh, John Rouse, Samuel Jerome, George N. Propper, George W. Lamson, William Miner, John McGuire, Washington Reed, James M. Stone, Joseph S. Presho, Charles Noland, John Smart, William Thompson, Bly Wood, James E. Witherspoon, C. S. White, A. B. Smith, Charles Wallace, O. B. Wheeler, D. W. Reynolds, F. M. Ziebach, Henry Bradley, Samuel Mortimer, John Bradley, Jacob Arend, J. M. Reed, T. J. Reed, Charles Nolan, P. H. Risling, B. C. Fowler, J. W. Evans, James Fawcett, Henry Arend, Dr. A. Van Osdel, Sr., Rudolph Van Ins, John Stange, Gouzaque Bourret, Hans Shager, John LaFevre (Old Dakota), William Stevens, George Granger, Charles Philbrick, Inge Englebertson, L. Oleson, Henry Strunk, Lewis Peterson, John Johnson, Peter Johnson, J. P. Greenway, Ole Peterson, John Keltz, Barre Olson, Charles McKinney, Christopher Arend, Pierre Dupuis, George Mathieson, Richard Mathieson, Peter Nugent, William Van Osdel, Samuel Van Osdel, Jacob Arend, M. Hoyt.

The meeting then elected A. S. Chase as temporary captain, adjourned until 2 o'clock the following day, and at once went to work fortifying a portion of the town.

The same night sentinels were stationed around the village, a precaution that was continued for several weeks.

The following day, which was Sunday, the adjourned militia meeting reconvened at the log church, and was called to order by President Stutsman, who stated that the object of the meeting was the permanent organization of the militia company. It was then resolved to select the commissioned officers by ballot. A vote was taken which resulted in the choice of F. M. Ziebach, captain; David Fisher, first lieutenant; and John Lawrence, second lieutenant. The non-commissioned officers were also elected, but the balloting was dispensed with, and they were selected by acclamation as follows: Orderly sergeant, B. F. Barge; second sergeant, Antonie Robeart; third sergeant, Samuel Mortimer; fourth sergeant, F. Wadsworth; first corporal, G. W. Kingsbury; second corporal, A. S. Chase; third corporal, Obed Foote; fourth corporal, H. T. Bailey; fifth corporal, D. T. Bramble; sixth corporal, J. C. Trask; seventh corporal, John Rouse; eighth corporal, Newton Edmunds.

The meeting then adjourned and its members immediately turned their attention to the construction of defensive fortifications that would afford security for the women and children, and furnish a rampart for the protection of the citizen soldiery in case of a general attack. It was decided to build a stockade inclosing a square whose dimensions would be about four hundred and fifty feet on each side, having the intersection of Broadway and Third Street as its central point. This would inclose a number of buildings, including the Ash Hotel, Paver's Store,

Rossteuscher's Meat Market, Printing Office and Robeart's Saloon, which would afford shelter to the people in case of storms. Work was almost immediately begun. The original plan was to build the walls of the stockade with the prairie sod, excavating a wide and deep ditch outside, and building up a six-foot embankment. Probably the scarcity of other material suggested this. This plan was followed in building the north wall and would have been pursued further had there been time in which to complete it. On the 2d of September, Tuesday, a delegation, made up of William P. Lyman, Josiah C. Trask and John K. Fowler, of Company A, Dakota Cavalry, was sent up to Yankton Agency to interview men "Strike the Ree" and other leading Yanktons, for the purpose of ascertaining whether they were inclined to join in the hostilities or remain on friendly terms with the whites, for it was beginning to be suspected that many of the young men of the Yankton Tribe were already on the warpath but concealed their tribal identity under the Santee cloak.

A strong guard of sentinels was stationed around the stockade at night, and a mounted picket did duty as occasion demanded. Inside the stockade during the first few days of September there were in the neighborhood of sixty militiamen, all fairly well armed. During this time the people of Bon Homme came down adding quite a number of resolute men to the Yankton force.

On the 6th the delegation of citizens, Lyman, Trask and Fowler, who had been sent up to interview the Yankton Indians, returned. Acting upon the advice of some of Lyman's Indian friends, they had crossed to the south side of the Missouri on leaving the Yankton Agency and made the home trip on that side for the purpose of avoiding any hostile scouting parties that, it was suspected, were infesting the country on the Dakota side. The delegation brought a most disheartening report. Strike the Ree informed them that there was great danger of the young men of the Yankton tribe joining Little Crow. That he had used all his powers of persuasion to check the movement, but he feared that he would not be able to prevent it, and he felt it his duty to warn the people of Yankton, for whom he personally entertained friendly feelings, to abandon the town and leave the territory without delay.

This report tended to heighten excitement and increase the alarm. It was feared that the Yanktons had already taken the warpath and were even then hovering near their old camping grounds awaiting an opportunity to strike. The advocates of evacuation were growing in numbers, and heated discussions were frequent between those who wished to leave and those who did not. In the midst of this tumult of discussion, the married men, who had families in the stockade, held a meeting to determine whether to abandon their homes or remain and fight it out. There was a general consent that this class had the most at stake, and if they desired to leave it would be the duty of all to aid them in their departure and see them safely beyond danger. The meeting assembled in the street between the Ash Hotel and Robeart's, and was attended by every married man in town. The formality of choosing a presiding officer was neglected, and the discussion, pro and con, opened immediately. There was a vigorous expression of opinion. The advocates of leaving were very anxious to go, while the opposition were no less determined and the war of words at one time threatened to lead to blows when one brawny champion (Robeart) of leaving, threatened another who opposed him and who chanced to be the smallest man at the meeting (Griffith) with personal chastisement, if he didn't vote to leave. Threatening gestures and violent language was a feature of the remarkable gathering, and finally a vote was taken, which resulted in one majority for standing by the town. This deciding vote was cast by Mr. Griffith, whose marriage to Miss Maggie Stone a few weeks earlier we have already noted. This action seemed to quiet the discussion about leaving and though it did not prevent any from going who desired to, it had a good effect on the general sentiment.

On the morning of September 6th, just as the guard had been relieved, a courier from Sergeant English's camp, rode furiously into town bringing the

alarming intelligence that a large band of Indians were committing depredations and firing upon the settlers along the east side of James River not over five miles from town. Following the trooper came Ferryman Greenway with a lumber wagon into which had been hastily thrown some articles of furniture, bedding and a mattress, himself and wife completing the load, and his foaming horses thundering into town at breakneck speed. He reported that he had been attacked by a band of Indians at his ferry house, and had returned their fire and was sure that he had killed at least one and wounded a number. As he was known to be a good shot and a man of unflinching courage, his story set the people ablaze with excitement.

Sergt. A. M. English, with a detachment of twenty men of Company A, Dakota Cavalry, encamped that morning on the high land overlooking the Jim River Valley about a quarter of a mile north of Major Hanson's place. He received a message shortly after daybreak from Captain Zeibach, requesting him to notify Captain Miner, who was at Vermillion, of the serious situation at Yankton and of the danger of hostilities from the Yankton Indians as reported by Lyman, Trask and Fowler. English at once dispatched Michael Fisher and Merrill Lathrop to Vermillion with this unpleasant information. When the couriers reached the ferry, Greenway had not yet left his bed, and their calls aroused him. As he left the house and started for the ferry, a dozen Indians suddenly arose from the grass and poured a volley of rifle and musket balls after him, but fortunately not a shot took effect. Greenway turned, ran back to the house, seized his rifle and screened by one corner of his cabin, returned the fire, shooting wherever he could see an Indian. Fisher made all haste back to English's camp.

The grass on the bottom was as high as his head with a horse under him, and as he approached he yelled "Indians, Indians," which apprised the boys, who had not yet breakfasted, that they had a foe to meet without delay. Fisher related the shooting affair at the ferry; and English, with eight men, including George Pike, Merrill Lathrop, Michael Fisher, P. C. Conway, H. J. Austin, and three others, set out for the scene of the trouble, leaving orders with the boys left in camp to at once remove their camp to Yankton. English reached the ferry just as Greenway and his wife crossed to the west bank, and the ferry man recrossed with English's squad, and then came on to town.

The Indians had then started down the east bank of the James to John Stanage's farm. Mr. and Mrs. Bradley and his brother John had stayed at Stanage's the night before. Since the excitement began Mr. Stanage and wife and children had either spent the night at Bradley's, or Bradley's people at the Stanage home, and this chanced to be Bradley's night at Stanage's. Bradley was an early riser. He was up early that morning and had walked down to the river bank for a pail of water. He heard a shout or a whoop up the road and looking in that direction saw a band of Indians approaching on horseback at full speed and making the air ring with their war whoop. As he ran for the house the Indians sent a volley of shots after him, but he got inside without being hit. The men at Stanage's had guns and kept them loaded for just such an emergency. The Indians surrounded the cabin and tried to force an entrance; but Stanage knocked some of the chinking out between the logs preparing to fire on them, when they pulled away to a safe distance. The occupants of the cabin were fearing that the Indians would set the building on fire as everything was very dry and would have burned readily. The Indians continued to shoot, their bullets lodging in the logs. Suddenly they set up a great hallo, and started off down the road. The cabin people then unbolted the door and heard the clatter of hoofs and the voices of white men who were coming down the road, and a good English voice yelled out "Stanage, are any of you alive?" It was English and his squad of cavalry in pursuit of the marauders. Mrs. Stanage says there was a great joy and a feeling of unspeakable happiness in her heart at this timely relief.

The soldiers followed after the Indians, who broke away from the river and took off through the tall grass toward the lake settlement, where they were able

to protect themselves behind the deserted cabins of the Norwegian settlers, who had prudently removed a few days before to the banks of the Missouri, and many of them had crossed into Nebraska, deeming their homes at the lakes insecure.

A skirmishing fire, lasting an hour, followed, when the Indians made a successful break for a marshy grass grown spot below the lakes, where they were screened by the coarse slough grass, six to seven feet high, and were beyond the reach of the small pursuing force.

One Indian was killed in this skirmish. The soldiers escaped without a scratch and started on their return, gathering up the settlers along the valley, including Stanages and Bradleys, and escorted them to town. On their return trip it was learned that two war parties had followed English down the trail, but had disappeared on his return. Stanage, Bradley, Van Osdel, Old Dakota, in fact every white settler in the James Valley, came in with the soldiers, and all told the same story, and nearly all had lost their horses, which the Indians had driven off.

It was apparent that the danger was now imminent, and an attack upon the town was regarded as almost certain to be attempted. It then became necessary to abandon the construction of the earth wall defenses, which was slow work, and hasten the completion of the stockade with material that could be put up more rapidly. The lumber provided by Armstrong and Picotte for the new capitol building was confiscated, long posts were set in the ground at frequent intervals along the east and west walls, boards nailed on each side and the space between the boards filled in with earth. The south wall was built of cedar posts obtained from citizens who were getting ready to fence their lots. These were placed upright in the ground close together, and made a very formidable protection. In this wall in the center of the street, a wide gateway was built, and this was the only entrance or exit in the entire structure.

A bastion was constructed on the southwest and northwest corners of the stockade, about ten feet square, with suitable port holes that covered the four sides of the square. The entire work was completed before daylight the following morning, when many of its defenders seemed quite anxious for the foe to appear. One of the old frontiersmen, "old Dakota" from James River, with his gun resting in the hollow of his left arm, is quoted as saying that "I've affeared him Indians wouldn't come." It was now the 7th of September, and Yankton had been receiving accessions to its population since the beginning of the alarm which was at least a week before. The settlers of Yankton and Bon Homme counties were all gathered within or near the stockade as well as those from Sioux Falls. Quite a number of single men occupied the day outside the defense, but came inside at night. There were a large number of families, women and children. Some of them had brought along a few necessary articles of clothing, and some bedding, which they found a place for in some of the buildings or tents within the enclosure, which was now peopled with a population of at least three hundred.

Most of the Clay County settlers either crossed the river or went to Sioux City. A few families of French people living near the Missouri remained, not having learned of the Indian raids. A small company of soldiers under Captain Miner had been stationed at Vermillion; but Miner, upon receiving English's dispatches regarding the Jim River raid and the skirmish at the lakes, mounted his men and came on to the lakes, thence to Yankton. This left Vermillion without protection and the settlers left with the exception of Henry Kennerly and seven others who remained until near night when they repaired to a small island in the Missouri. During the night a detachment of Company A that had been stationed at Brule Creek reached Vermillion and the boys on the island came back into town and camped with them. The refugees almost wholly found their way back within a few days.

Nearly all the settlers of Union County, then Cole County, left their settlements and farms and went to Sioux City or to the Sioux River. At Elk Point Mr. Hotchkiss, Eli B. Wixson, Mr. Whitcomb and two or three others remained

The evacuation of the Brule Creek settlement was complete and is thus related by Mr. H. H. Fate, now of Elk Point, who resided with his parents in that settlement at the time:

During the forenoon of Saturday, September 1st, A. J. Bell borrowed a horse of Thomas Fate and went to Elk Point, returning in the afternoon with the intelligence that hostile Indians had made unfriendly demonstrations at Greenway's Ferry on Jim River, and were driving and destroying everything on their way down the Missouri Valley. An hour or two before sunset the whole neighborhood, with their teams of cattle and horses and herds of cattle were en route for Sioux City, arriving at Paquette's Ferry on the Sioux about midnight, where they lay until morning, when they were safely ferried over.

On Sunday morning, September 7th, a scouting party, consisting of M. M. Rich, Mahlon Gore, and I think William Frisbie, returned Sunday afternoon to Brule Creek by way of Elk Point and reconnoitered, returning Monday with the report that no particular damage had been done and the country was clear of Indians. On Tuesday morning most of the settlers started on their return to their homes, getting back Wednesday evening, and then organized a militia company for home defense with Mahlon Gore as captain. A stockade had been commenced before the stampede and was completed after the return from Sioux City. For the protection of settlers a detachment of Captain Miner's company was detailed there during the fall, or a part of it. A number of families lived within the stockade, including the pastor of the Methodist Episcopal Church, Rev. J. L. Paine, who had for his circuit Brule Creek, Vermillion, Yankton, Bon Homme and Fort Randall.

The settlers of Bon Homme so far as was known, without an exception, abandoned nearly every thing and came to Yankton. This county (Bon Homme), because of its proximity to the Yankton Indian Reserve and the frontier, was more exposed than the others and had the Yanktons taken to the war path their first onslaught would have been on that settlement.

Many of the settlers sent their wives and children east, but themselves remained to assist in defending the settlements. After the first few days of feverish excitement, a more hopeful and cheerful feeling succeeded, and at Vermillion, Elk Point and Brule Creek, settlers constructed stockades and block houses and resolved to defend their possessions.

At Sioux City great anxiety also prevailed, and a number of families went back among their friends and relatives east to remain until the storm blew over.

The Norwegian settlers at the lakes (now Gayville) in Yankton County, abandoned their settlement, and fearing that the Indians had cut them off from reaching Yankton, made their way to the Missouri River, and crossed in a flat boat and skiffs to the Nebraska shore, under the direction of Ole Sampson. The Indians were driven through this settlement and into the tall slough grass by English's squad where they evaded pursuit. Had the settlers remained in their cabins it is probable that many or all of them would have fallen a prey to the merciless tomahawk of the savage, who returned to the cabins after English's force withdrew, slaughtered a number of hogs, and left some silent threatening messages in the form of arrows whose points were deeply imbedded in the logs of the cabins.

The Scandinavians, who had more than any other or all nationalities, occupied the bottom lands, exhibited heroic courage and fortitude in the face of all difficulties, and none of them were known to have left the territory or abandoned their claims permanently, during the Indian troubles, though for many months they were exposed to danger from the marauding bands of hostile Sioux.

It will be observed that the names of the Norwegian settlers at the Lakes do not appear among those enrolled in Company A, Dakota Militia which was organized at Yankton. Lewis Sampson, a brother of Ole, then a boy of twelve years, tells the following which explains their whereabouts.

On learning of the massacre at Sioux Falls about September 1st, we had crossed over to St. Helena, Nebraska, and were occupying the four company houses so-called at St. Helena, as they were built by a certain company to acquire titles to some lots, and we were comfortably situated there, only a little crowded. We had organized ourselves into a kind of company, with Ole Sampson as leader or captain. We had remained there about a week

or so, all the time keeping in touch with the surrounding country the best we could, and had guards out at different points.

One day a man came on horseback, riding into town at full speed, and said that the Indians were about ten or twelve miles southeast of town coming this way and that they were killing everyone they got hold of and destroying and burning the property they found, and he started off again. He said he had to hurry up to notify all he possibly could. (Some weeks later it was ascertained that a band of white desperadoes, partially disguised as Indians, were the perpetrators of these outrages in Nebraska, but that they had killed none of the settlers.) We were frightened, of course, and especially the women and children, and they wanted to recross to the Dakota side again. After a short and speedy consultation it was agreed upon to cross to the other side, but we had placed some guards on the highest hills where they could have seen the Indians for miles had they come that way. The same morning we had sent two of our swiftest men, fairly well armed with our best guns and revolvers, up to the lakes where our Dakota homes were to see how things looked. They first arrived at Peter Amundson's place, but they found nothing there to indicate any disturbance, so they went on up to mother's place, Mrs. Ingeri Sampson, and there they found things different. They found fresh Indian tracks and foot prints all around the house and on top of the house.

Our house was a log cabin with sod roof. Two arrows were shot into the logs and left there, and going down to the stable they found two hogs, which were left in the corral, just butchered, the blood still being warm and everything taken away except the heads. This frightened the men and they took to their heels as fast as they could, all the time keeping a good lookout. Had our men reached there a half an hour earlier, they no doubt would have been killed. They could see no Indians and they had not the slightest idea which way they had taken, but were afraid that they might have taken their way towards the timber where we were, and every time they saw the grass, which was then as high and some places higher than a man, when they saw it move, they thought an Indian was hiding there. When they reached Ole Sampson's place, we were nearly all there and as soon as the men had told their story there was a wild rush for the river, and the women insisted on being crossed back to St. Helena again. On this side was the timber and tall grass and the Indians could sneak right up to a person and do anything to him, while at St. Helena we had pretty good protection, the grass was short and being located on a side hill we had a good outlook. There was a rush for the river and for the boats, and in their anxiety to get across the women crowded themselves with the children into the boats, which were not very good and overloaded them and one boat nearly sank as they reached the other shore, but we at last got safely over and then we commenced to cross over oxen, wagons and cows. We took nothing but the best, and what we got over (if we had then to lose the property we left) was to become common property belonging to the company or crowd. We remained there a while and hearing no more about the Indians, we all went back to our places which had not suffered very much during our absence. Some of the parties sold their improvements and left.

In regard to the Indians at mother's place, where they had killed two hogs, we found afterwards the following: A small party of soldiers were sent out from Yankton to Turkey Creek. I think Capt. A. M. English was in command of the men. At about where Volin is located they ran onto about thirty Indians and the Indians started to run across the bottom right towards mother's place and the soldiers on horseback followed them up. The Indians were also provided with guns and a constant fire was kept up on both sides. The Indians would run and load and turn to fire. When the Indians reached mother's cabin they danced a regular war dance around the house and on the roof, all the time keeping up firing. The soldiers did not have their horses well enough trained and some became unmanageable and the Indians having just as good rifles as the soldiers, they did not dare to approach them close enough to have their shots take effect. The soldiers rode up to the bluffs again and the Indians followed them right up. The soldiers went home and the Indians were not heard from any more in this section.

This account of the skirmish on the bottom near Turkey Creek or Volin has reference to another affair that occurred a few days later, and was participated in by the squad of Company A, stationed at Turkey Creek or Clay Creek under Lieut. Dave Benjamin. The squad under Sergeant English, or their return, stopped at all the cabins and escorted the settlers to the defenses at Yankton.

For a brief time, it will be seen, there was a virtual abandonment of all the settlements in the ceded territory, except the one at Yankton. Had Yankton been abandoned it would have left the territory without any population, the Indians would have been encouraged in their hostilities and would have burned and destroyed the improvements until checked by the military. It was no secret at the time that the leading military authorities favored the entire abandonment of the territory by the whites for the time being. They looked for a general Indian war of greater magnitude than any in which the Government had ever engaged,

and they reasoned that if the settlements were abandoned, the troops would be free to follow and fight the redskins, and not be required to stand guard around a few widely scattered settlements whose entire money value was much less than it would cost to protect them. Soldiers at that time were in great demand in the Union armies east and south, and there were none to spare for troubles in Dakota.

As evening approached on the 6th inst., a genuine war scare occurred that for a time was a very serious affair. Captain Zeibach quietly moved around the stockade and ordered his men to get their arms and be ready for a fight; that a band of mounted Indians had crossed the James River and were marching on the town. The men shouldered their muskets and gathered along the unfinished fortifications on the east, Stutsman, who had but one leg to stand upon, leading the advance, with a nail keg in front of him upon which he rested his rifle. The heads of the enemy could now be discovered far down the road; and to add to the excitement of such an occasion, the women were on the lookout, having taken possession of a broad platform in front of the Ash Hotel, and were talking excitedly and pointing to the oncoming enemy. There was a good deal of hurrying and scurrying, and loud ejaculations, which continued for possibly fifteen minutes, when it was discovered by nearly everyone simultaneously that the supposed Indians were a body of soldiers, who a little later rode up to the stockade, and proved to be Captain Miner with his Vermillion detachment, who had come out to search for the hostiles in answer to the dispatches from Captain English. It is perfectly safe to say that the captain and his men were very welcome, and if any were disappointed they managed to conceal their chagrin most successfully behind a mask of cheerfulness that had all the appearance of the genuine article.

The decision of the married men's meeting at Yankton was well received. As a rule the settlers felt that they were in a position to defend themselves against a thousand red men, and unless their ammunition should fail, or suffering should come from lack of provisions, or a contagious disease broke out, they felt that they would "pull through" safely, and now they were hopeful that they would have the assistance of Company A to do the scouting. English's squad remained throughout the trouble and was a host in giving a feeling of security to the women and young people. They were in the saddle a good portion of the time so as to detect any indications of approach on the part of hostiles. So far there had been no loss of life, thanks to the poor marksmanship of the Indians and coolness of the assailed settlers, but a number of cabins had been burned, homes pillaged, and horses and cattle captured and driven away. All semblance of civil pursuits had been abandoned at Yankton at the outset of the trouble, the male population turning their attention to building their stockade and to strict military duties. The raw militia men were given frequent lessons in the rudimentary course of military discipline, the soldiers acting as drill masters—they were taught the use of arms and how to handle them. A small troop of cavalry was got together under command of Major Lyman, that made frequent excursions outside. Enclosed within the stockade was the new Ash Hotel, and the old log hotel buildings, Robeart's saloon, Fisher's blacksmith shop on Third Street, three log buildings and the Dakotan office. The women and children were made as comfortable as possible under the various roofs.

Food had been furnished from a number of sources—many of the people had brought along a few days' supply; all the provisions in the two stores were finally turned over to the commander of the stockade, Captain Zeibach, and duly receipted for. Captain Zeibach's authority was cheerfully recognized, and he acquitted himself throughout the most trying ordeal with great credit, growing in the confidence of the people every day. The saloon was closed and there was not the slightest disturbance from drunkenness.

Among the settlers none seemed to be more alarmed and uneasy than our half-breed Yankton citizen, Charley Picotte. He had probably no fear of personal injury, but he seemed convinced that the Indian hostilities had commenced

in earnest, and would continue until the whites had been driven from the territory. He knew that the Santees were intriguing with the Yanktons to join them; he was certain that some progress had been made, and a few of the young bucks had left the reservation and gone into the hostile camp.

He had more information that he would impart to his white fellow citizens, and his conduct for weeks was that of a man watching for a sign of the enemy's approach, and informing himself of the whereabouts of the small bands who were known to be lurking in this vicinity, and with whom he undoubtedly held communication through three or four friendly Yanktons (who were visiting at his place during the trouble) with the view of averting their threatened attack on the town. Picotte usually spent the days at his cabin in lower Yankton, but he slept every night within the stockade.

On one occasion our eccentric townsman "Limber Jim," who didn't believe there would be much of a war and had very little fear of the Indians, took it into his head to burn the tall prairie grass around Stutsman's claim cabin which stood on the summit of a knoll just north of the present city water tanks. Hostile Indians have a code of signal fires to announce their attacks and retreats. Jim had appraised no one of his incendiary design. The sun had disappeared, and the curtains of night had begun to fall, when a great blaze was discovered around the cabin, and five minutes later Picotte came thundering through the gates of the stockade standing upright and bareheaded in a lumber wagon, to which was attached a span of foaming big mules. He had seen the signal fire on the hill and knew that it meant an attack upon the town without delay. The alarm was given and the garrison's defenders were preparing for the onslaught, when "Jim" returned and soon quieted all fear by telling in what manner he was the innocent cause of it all. There was that about the incident that was so supremely ludicrous that men who had refrained from all semblance of mirth for many days relaxed, and laughed until they were red in the face, and there were some, Picotte among the number, who thought it would serve Jim right to duck him in the river. Jim wobbled around, wiped his nose on his sleeve, and retired out of the gaze of the people, until both indignation and mirth were forgotten in more serious incidents that followed.

So many human beings penned up in such circumscribed quarters rendered anything like comfort out of the question, and the wonder is that there was so little sickness in the camp. There were some beds, but not enough to accommodate the women and little children, but what there were, by general consent, were given to the mothers and daughters and little people. The men were forbidden to occupy them. Still there were a few who would not heed the prohibitive edict, but would sneak into the hotel rooms after dark, possess themselves of a bed, lock the door and sleep soundly. The Ash Hotel was crowded from basement to garret during the night with weary women and children sleeping wherever they could find a place to lie down. They were packed in, apparently, as closely as sardines in the box. The other buildings inside the stockade need not be described regarding their lodging accommodations, for a description of one is a description of all.

Fortunately the nights, for a good portion of the time during the height of the excitement, were moonlit, and the skies were clear. One beautiful evening, the 8th or 9th of September, a militiaman was passing the Ash Hotel on Third Street, when a female voice called to him from an upper window of the hotel. He approached the house and discovered Mrs. Edgar, sister of Mrs. Obed Foote, sitting at the open window apparently enjoying the charming loveliness of the night. But she was not, it seems, indulging in any such pleasing reveries. She immediately and earnestly inquired if the militiaman had a pistol he would loan her. That very morning this party had placed an old single-barreled pistol in his coat pocket intending to have it repaired and made fit for service, and he replied to the lady telling her that he had such a weapon, but that it was useless in its present condition. She answered that she would be very glad to have it

any way, that she would have it repaired. It was well known that many of the women would never submit to be taken prisoners by the Indians. They had learned how brutally white women prisoners were treated, and they had concluded to die by their own hands rather than be captured. Mrs. Edgar was one of these, and the militiaman understood that in the last resort she would turn the weapon upon herself. It was an uncomfortable reflection; but he drew the weapon from his pocket, placed the muzzle on the point of his bayonet, and passed it up. The lady received it with a bow, and the militiaman passed on. About two hours after this incident, at midnight, there came ringing out on the quiet air an ominous alarm. Bang, bang, bang, bang, in rapid succession four guns were fired outside the stockade, and down in the plum patch, near Picotte's, there was a fusillade of musketry. The whole camp was aroused almost instantly, and there was a rush to the four walls of the stockade and the bastions. Captain Zeibach had well prepared for any attack and had his men instructed as to the place they would occupy. The several walls were under the command of a subordinate officer. (A small three pounder iron cannon, mounted on cart wheels and loaded with powder and scraps of iron from the blacksmiths, stood near the gateway in charge of William Bordino and John Stanage.) A troop of cavalry went out to ascertain the cause of the alarm. At the Ash Hotel there was great commotion and confusion, resulting from the efforts of some to get out while others were trying to get in. The sleepers were all awakened by the confusion. The women supposed the stockade had been attacked, but they suppressed any exhibition of fear if they felt it—only the children awakened from their sound sleep cried, and were difficult to pacify. Mrs. Edgar, being awake, heard the alarm, and like a Joan of Arc, armed with her single barreled unloaded pistol, she declared she would shoot the first man she caught in the house who was not on his way out to defend the town. She went to all the rooms and awakened the occupants. She knew that some of them were occupied by men who had surreptitiously got possession. These she routed out and sent them forth at the muzzle of her gun. She did valiant service in cheering the other women, who felt strengthened and encouraged by her example.

In half an hour the cavalry returned, having found that the friendly Yanktons at Picotte's had been firing on a party of Santees who were trying to steal their ponies. A feeling of relief came over the camp, but the men were kept on duty during the night and were not further disturbed. The three pounder field piece that stood near the gateway of the stockade was not called into service during this troublous time. There was no occasion to use it against the foe, but a month later, after the danger had measurably melted away, the cannon was taken out on the prairie where the tall weeds were abundant, and touched off. If the slaughter of the weeds and grass could be taken as representing Indians, the discharge would have slain a regiment.

Captain Zeibach proved himself a very competent commander in chief, and his administration was of a character that won for him the warmest gratitude of the penned-up colony.

CHAPTER XXIV

THE GREAT INDIAN WAR

(Continued)

HOSTILE INDIANS IN FORCE PREPARED TO ATTACK YANKTON—DISSUADED BY THE PREPARATIONS OF THE SETTLERS—MANY SETTLERS ABANDONED THE TERRITORY—YANKTON INDIANS MUSTERED IN—WASHINGTON REED—A FALSE ALARM—APPEAL FOR TROOPS—GOVERNMENT SOLDIERS ALL DOWN SOUTH—SECOND CALL FOR MILITIA—HOW THE YANKTON TRIBE WAS KEPT FRIENDLY—SKETCH OF PICOTTE—CAPTIVE WOMEN AND CHILDREN RANSOMED—THE FIRST TERRITORIAL CAPITAL BUILDING—SAMUEL LATTA, AGENT, DISTRIBUTING INDIAN GOODS FROM STEAMBOATS—BEAR'S RIBS SLAIN AT FORT PIERRE.

Yankton had had a very fortunate and narrow escape from much more serious trouble. During J. R. Hanson's incumbency of the United States Agency for the Upper Missouri Sioux Indians, which covered a period from 1866 to 1869 inclusive, he was thrown in contact with individuals from all the former hostile tribes, and learned much of interest regarding the operations of the hostiles during the period from 1862 to 1865. Among other things, he learned that about five hundred hostile Sioux were scattered along the Jim River north of the ferry and within a distance of three or four miles of Yankton, early in September, 1862, for the purpose of attacking and destroying the town and the people. They had set the night of September 6, 1862, for the attack and had noticed that our fortifications were at that time not completed on the east side. Such a force, if determined and persistent, and well armed, would have outnumbered Yankton's armed force, which could not have exceeded one hundred and twenty-five armed with guns, and as many more who had small arms. About 6 o'clock the same evening, Captain Miner with forty cavalry reached Yankton from Vermillion. The hostile Indians on the highlands to the north saw the troops, watched their movements carefully and finally concluded not to make the attack, as they were not supplied with ponies. Fearing discovery, they set out up the James River Valley the following morning and made their first halt near the Yankton reservation.

Intelligence of a similar character was afterwards given by some Yankton Indians and also by Santees, for while the Yanktons remained friendly as a tribe, bands of hostiles paid them a number of clandestine visits for the purpose of inducing them to join in the war on the white people, and during these visits related their exploits.

The Indians dug a lookout station on the top of the hill near Van Antwerp's residence from which they overlooked Yankton and scanned its defenses. There were other points on the highlands where they screened themselves and watched their pale-faced adversaries as they prepared to give them a hot reception should they attack the town. A little later Picotte reported that the danger was past for the present, and the Indians had withdrawn. He called attention to a number of small fires strung along the highlands at intervals of half a mile, which had been observed the evening before to the north of town. He said these were signals which Indians understood and were to inform the hostiles that the siege of

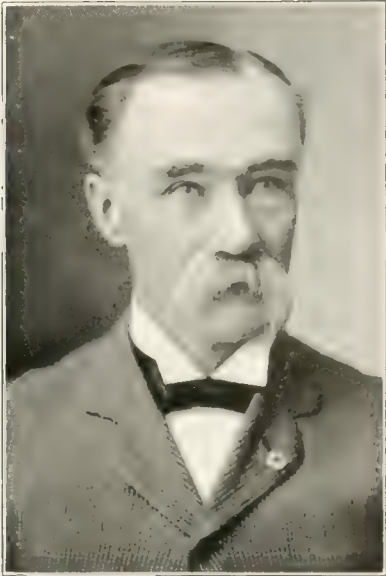
Yankton had been raised, and the war parties were retiring into the country of the Upper Jim. A few days later a small band of the boldest settlers, well armed, went out to their claims for the purpose of ascertaining the condition of their live stock and homes, and day by day thereafter, the population of the stockade diminished in numbers, some returning to their deserted cabins, while others, thoroughly disheartened and almost penniless, "threw up the sponge" and bid a final farewell to the territory.

These Indian troubles had aroused widespread distrust and fear all through the new West extending far into Iowa, Minnesota and Nebraska. The general belief was that an Indian war, unparalleled in extent by any in recent times, was inevitable, and particularly was this the belief of those engaged in military affairs, who were outspoken in proclaiming it, as if they felt constrained to give a warning to the settlers of their danger, and arouse them to a sense of their insecurity, that they might escape the perils incident to a frontier war by removing to some less hazardous or dangerous locality. It was understood that the Indian people of all nations and tribes throughout the entire country had been apprised of the great war then on between the "pale faces" of the North and South, and the Indians had been advised that this was an opportune time for them to unite and strike a blow that would drive the whites from the frontiers and restore to the native inhabitants their old hunting grounds. It must be borne in mind that this state of hostility among the Indians extended from Kansas through Nebraska and Dakota to Minnesota, and throughout the mountain country. The Indians had apparently been convinced that the "Great Father" would not be able to spare enough soldiers from the Union armies to successfully oppose them, and their triumph, if united, was assured.

Dakota had but a few feeble settlements, strung along the Missouri and Big Sioux valleys, peopled by a frugal, industrious, peace-loving class who had little more than their strong arms to depend upon to win the necessities of life for themselves and those dependent upon them, and it should not be considered at all remarkable that a large percentage of the settlers, anxious for the security of their families, concluded to seek a home where the promise of peace was less hazardous; and it was estimated, shortly after the local troubles of 1862, that the territory lost at least one-half its farming population.

The determined stand taken by the pioneers had not been without a most salutary effect upon the good Indians. They had become convinced, by the firm attitude and ample preparation Yankton had exhibited, that the whites would not be driven off. The story of Yankton's preparations for defense was afterwards known and discussed in Little Crow's camps, and in many of the Indian camps along the upper river, as was learned from reliable Indian sources after peace was restored, and the fortifications and other particulars described with an accuracy that could only have been obtained by eye witnesses. So far as the Yankton Indians were concerned they were completely tamed, and Strike-the-Ree no longer feared that any great number of his young men would join the hostiles. To such an extent was the loyalty of the Yanktons carried that Agent Burleigh, with the assent of the authorities, raised a company, numbering 100, of young braves, for service against the hostiles. They were mustered into the service, and made themselves of great value to General Sully during his campaigns as scouts, and in frequent skirmishes throughout the two years following.

Mr. Washington Reed moved his family from Smutty Bear into the stockade during the excitement, and as soon as the alarm had in a measure subsided, he returned with his wife and sons to his claim. They were accustomed to border life and had little apprehension for their personal safety, but were solicitous for their cattle and horses and other property left behind with no one to look after it. The morning following the departure of the Reeds, Captain Miner, who had come up from his headquarters at Vermillion, received a message from Mrs. Reed that her husband and two sons were missing, having left home the evening before to search for their cattle. The captain dispatched Sergeant English with



EX-GOVERNOR ANDREW E. LEE



REV. JOSEPH WARD
Yankton, 1868, Congregational minister and founder of Yankton College



RED RIVER CART AND HALF-BREEDS



SPINNING WHEEL IN CONTINUAL
USE IN SOUTH DAKOTA

a squad of Company A's boys to look up the truants. About an hour before this, Sergt. William Neuman, of Company A, a tall German and a fearless soldier, had discovered that his horse had strayed away and he set out on foot to find the animal. His search led him as far away as the cement works' ravine. Still another party, made up of Samuel Mortimer (Spot), Sam Jerou and A. B. Smith, who had spent the night at Spot's cabin just above Reed's, had learned that the Reed men folks were missing and that Mrs. Reed was in great distress fearing that Indians had waylaid them; and being men of intrepid mold who could not close their ears to the cries of a woman in distress, they sallied out on fleet ponies in quest of the lost. Just as "Spot" and his party had got fairly under way, English and his cavalry emerged from the timber and came in sight of them. Spot's forces were about two miles in advance, and Sergeant English saw at once that they were a band of Indian marauders and possibly had the scalps of the Reed men dangling at their belts. They now put spurs to their steeds and fairly flew up the road in pursuit. Spot and his gallant band had not as yet discovered that they were pursued, so intently had their attention been directed to an Indian on the brow of a hill near the cement works ravine, and with all the speed their ponies could muster, goaded by whip and spur and urgent shouts, they were furiously galloping to overtake him, for no doubt he was standing there as a decoy for quite a band who were hidden in the tall grass around him, and had already tomahawked the Reed people. The cavalry ponies at breakneck speed were gaining on Spot's detachment, and the report of a rifle shot told that one of the boys had opened fire. Spot and his chivalrous companions were arrayed in the ordinary garb of border men and closely resembled children of the plains. The cavalry boys had donned some bright red flannel shirts that had been issued that morning and under the enchantment of distance, if hurriedly viewed, looked very much like a band of fleeing or pursuing savages. The report of the gun caused Spot and his men to look around when they discovered the red devils coming after them. Here was a situation perilous in the extreme. Indians in front and rear; the Missouri River on the left, and frowning, precipitous bluffs on the right. Spot afterwards declared that he had just decided upon striking for a near by ravine and trying to escape by the bluff, when he discovered that the lone Indian on the bluff was a white man like himself, and putting more energy into whip and spur his small force sped along with the speed of race horses toward the solitary figure on the hill, expecting every moment that the attack in their rear would be renewed. At this juncture Sergeant English discovered the lone Indian on the highland, and could not fail to note that "Spot" and his followers were making the utmost haste to reach him. He saw in an instant that it was all one party, who had doubtless disposed of the Reeds and had probably been engaged in other atrocities. Spot had now reached the lone Indian and the barbarous cut throats were holding a parley, as English could see, though now about a mile away, and he conjectured that they were preparing for a rapid retreat into the ravine, where under cover of the bushes they could keep up a running fight, and where cavalry would be at a disadvantage. He was very anxious to reach them before this could be accomplished, and on his troopers dashed, their good steeds reeking with foam, and their sabers clanging, as they thundered along the road. An order to open fire was just about to be given, when English discovered a bright gleam of sunlight reflected from the scabbard of Sergeant Neuman's saber, and the flash informed him that the lone Indian on the bluff was the sergeant himself in quest of his lost horse. Chief Spot and his men then resolved themselves into distinguished shapes. The recognition was a mutual one and not unpleasant, for just then the bluff party began a burlesque performance as if defying the oncoming cavalry to battle; and when the soldiers rode up the comedy of errors, which for a time threatened a tragedy, was fully explained.

And what about the Reeds? They had reached home safely, and explained that they had discovered the trail of their straying herd the evening before, and camped out during the night in order to follow it up early in the morning, which

they did and soon recovered their animals. Some one asked Neuman if he wasn't frightened when he saw so many Indians bearing down upon him, and he replied that he knew they were white people—he could distinguish them from Indians as far as he could see them. Neuman recovered his horse, and the incident furnished a great deal of cheerful gossip and wholesome fun, and aided in dispersing the apprehensions of many who believed that the hostile Indians were hovering near the settlement. It strengthened the faltering and furnished a strong point for the "never surrender" faction.

While the immediate excitement and alarm had measurably subsided, there was a prevailing sentiment of insecurity and danger that foreboded ill for Dakota. The settlers who had gone back to their claims were not in a contended or hopeful frame of mind. They looked for further trouble, and were easily convinced that the savages were still lurking near their homes. Reports that small bands of Indians had been seen at different points reached Yankton very soon after the settlers had ventured back to their claims, and urgent appeals were made to the governor for troops at various points. Company A, Dakota Cavalry, was the only body of government troops in the territory outside of Fort Randall, and this company was engaged in patrolling the frontier reaching from the Big Sioux River to Choteau Creek, a distance of a hundred miles. The emergency demanded a large force, and detachments scattered through the settlements in permanent camps, where they could inspire the exposed settlers with a feeling of security, otherwise it was feared that the entire farming population would abandon the territory. The alarming reports and the feeling of insecurity were regarded by many who were more securely located in the towns, as the echoes of the previous troubles; but there could be no doubt that whether the sentiment of insecurity was from real or imaginary causes, the situation was one that threatened the stability of the farming communities, whose loss at such a time meant years of waiting before their places would be filled.

Urgent efforts were made by the governor to secure troops from outside but he was not successful, owing to the demands of the Civil war; and appreciating the pressing necessity and the train of misfortunes that would follow if the fears of the settlers were not quieted, he resolved to call into actual service several companies of territorial troops, and trust to the general government subsequently sanctioning his act and paying the bills. This had been done in Nebraska and the militiamen were employed in constructing forts and block houses at exposed points in the settlements and were encouraged by an officer of General Pope's staff who was personally in the field directing operations. The headquarters of this department, under General Pope, were at St. Paul and communication, which was altogether by mail, and a large part of the way by stage, was tediously and sometimes dangerously slow and difficult. Dakota was the home of all the hostiles at this time, and to protect her borders was, in effect, to protect the entire western frontier. But the other border states and territories excelled Dakota in political influence, and obtained the lion's share of attention from the military authorities, though barely within the field of actual danger. The order of the governor calling for these volunteers is here given:

SPECIAL ORDER

Headquarters Dakota Militia.

Yankton, Dakota Territory, October 7, 1862.

Whereas, Indian depredations have recently been committed within the limits of our territory, and a feeling of anxiety and insecurity prevails among the inhabitants, which is rapidly depopulating the territory, and having applied by a special messenger to General Blunt, commanding the Department of Kansas, for troops from without our limits to protect our settlements, and owing to a change in this military department the application not having yet been complied with;

Therefore, believing that longer delay will endanger the lives and property of our inhabitants, it is hereby ordered that the militia shall forthwith enter upon active service. I have concluded to accept eight companies of volunteer militia—four companies of infantry and four of cavalry—to serve for nine months unless sooner discharged.

This force will be tendered to Major General Pope for his acceptance into the United States service for the said term of nine months.

The officers and men of the cavalry companies will be required to furnish their own horses, equipments and clothing, until such time as the same can be furnished them. Rations will be furnished the men as soon as they are accepted by me.

The pay will be the same as allowed to similar companies in the United States service.

Those militia companies in the territory now organized will be accepted as soon as tendered with a full complement of men—which requires by law thirty men as the minimum number for cavalry, and forty for infantry.

In addition to those companies now organized, other companies will be accepted until the full number is obtained. Rendezvous will be designated to each company as soon as it shall be accepted.

It is hoped that in this time of danger to our frontier, and national embarrassment, that our citizens will promptly respond to this call, and defend their firesides from the outrages of the Indians, and restore to our inhabitants that quiet and security which but recently prevailed, and reestablish Dakota as a safe and inviting home to the emigrant.

WILLIAM JAYNE,

Governor and Commander-in-Chief of Militia of Dakota Territory.

The work of raising and perfecting the companies called for by the governor's proclamation was immediately entered upon. Commissions had been issued prior to this time, to T. Elwood Clark, as second lieutenant to recruit cavalry; A. J. Bell, as captain of Company D, to recruit infantry; M. H. Somer, as first lieutenant, Company D; Wm. W. Tripp, as captain, to recruit cavalry, and all these parties had been at work with more or less success. Adams had raised twenty-seven men in the County of Cole; John R. Wood, of Elk Point, was later commissioned as a lieutenant to recruit cavalry, and Capt. A. G. Fuller, then of Fort Randall, as captain to recruit cavalry. At the same time the first militia companies maintained their organizations. These were Company A, Yankton, Capt. F. M. Ziebach; Co. B, Bon Homme, Capt. Samuel Gifford; Company C, Vermillion, Capt. A. W. Puett; Company D, Elk Point, Capt. A. J. Bell; Company E, Brule Creek, Capt. Mahlon Gore; Company F, Yankton, Capt. A. G. Fuller. Fuller's company was intended for the volunteer service, and it was expected that it would be mustered in as Company C, Dakota Cavalry. The work of recruiting was very slow and discouraging, and in the meantime alarm had measurably subsided and the military authorities had provided additional protection to the settlements.

None of the militia companies under the proclamation of October 7 were accepted by the governor; in fact the recruiting of so many companies was found impossible, and on the 13th of December the governor issued an order consolidating Company C. Capt. A. G. Fuller recruited at Bon Homme; a company recruited by Lieut. W. W. Adams, of Elk Point, twenty-seven men; and a company recruited in Cole County by Capt. A. J. Bell, twenty men, into Company B. Dakota Cavalry for the regular volunteer service, and this company under Capt. William Tripp was mustered into the service of the United States at Sioux City in April, 1863. These detachments, however, had regularly performed military duty from about the 1st of September, 1862, and their claims for service were recognized by the government and the troops received pay and subsistence for several months prior to being mustered in.

After the excitement and trouble had subsided, an attempt was made to deny the authenticity of the report made by the delegation of Yankton citizens who were sent up to Yankton Agency to ascertain the feeling of those Indians toward the settlers. It was now apparent that the Yanktons as a tribe had resisted the importunities of the hostiles, and had remained true to their treaty obligations, but there is little doubt that this was largely due to the active work of Agent Burleigh, at Yankton Agency, and the Minnesota and Dakota troops in pursuing and scattering the hostile bands who had fled from Minnesota into Dakota. The Yanktons observing this were impressed with the hopelessness of Little Crow's cause and took early occasion to reinstate their reputation as "friendlies" and denied that they had ever been in the least infected with the hostile spirit, even claiming that the report made by the Yankton delegation placed them in a false

light. But the character of the men who composed that delegation, and the entire lack of any motive on their part to misrepresent, in fact all the circumstances of their visit, and the friendly counsel given them on leaving, to return on the south side of the river, all forbids even a suspicion that the report they made was other than a truthful statement of the situation revealed to them by the head-chief with the warning he sent to his friends and people of Yankton.

During the fall of 1862, Captain Fuller, assisted by Lieut. David Fisher of Company A Militia, erected the walls of an excellent hewn log block house on the Ash Hotel lots north of the hostelry, facing Broadway. It was a very substantial fortification, impregnable to any arms at that time in use by the redmen. It was designed for two stories and to accommodate 100 people. It was never completed because Yankton became a military camp about that time, with Iowa, Minnesota and Nebraska troops coming and going and the block house was deemed unnecessary.

CHARLES FRANCOIS PICOTTE

Charles F. Picotte, who has been so conspicuous and useful in the affairs of the territory up to this time, was a Yankton half breed Indian, six feet tall and straight as an arrow. His complexion was rather dark even for a half breed, but not more so than was usual where one of the parents was a native Frenchman, and this parent as a rule, the father. The father of Charles was Honore Picotte, a wealthy citizen of St. Louis, and one of the directors and active members of the American Fur Company. He is said to have been a native of Canada; but there was a good sprinkling of native French people in St. Louis, families who had quietly sought our shores during the French Revolution to escape the civil discords and violence that characterized the government of that unhappy country during the close of the eighteenth and opening of the nineteenth centuries. St. Louis at that time was the greatest commercial mart of the West, and belonged to France, and the French immigration for years made that city and New Orleans objective points, and many of the immigrants took up their permanent homes there feeling that they were forever exiled from their native land.

The mother of Charles Picotte was a full-blooded Yankton Sioux and one of the belles of the tribe. Her son Charles was born during the year of 1830, near the mouth of the Big Cheyenne River, while his mother was making a trip on one of the Fur Company's boats. Mrs. Picotte afterwards married Charles E. Galpin. She had other children, but her affection for Picotte's son was sincere and lasting. The father also took a very lively interest in his half breed progeny, something not common in that day for the sires of half-bloods to do, and when Charles had reached the age of eight years or thereabouts he was placed in the care of Rev. Father De Smet, who at that time was foremost among the Christian missionaries in this Dakota field, and this reverend priest took the boy with him to St. Joseph, Missouri, and enrolled him in an excellent private boarding school.

He remained there at school about fourteen years all told (occasionally taking a steamboat ride to visit his mother during the summer vacations). He acquired during this time a very good education, and a very fair knowledge of the rules of commercial business, as his father had in mind putting him in charge of one of the Fur Company's trading posts; and he also learned to speak the English language well, though not fluently. At the age of twenty-four he returned to his mother's people and became identified with the welfare of the tribe.

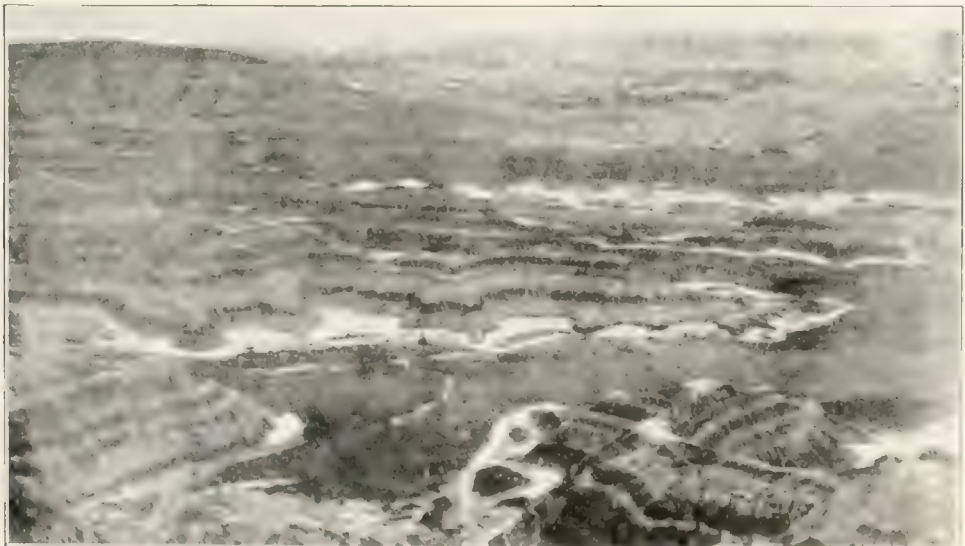
His Indian nature and Indian affections had been very slightly, if at all, affected by his long absence and residence in the midst of a highly civilized and cultivated people. During all the school period his heart was in the rude tepee with his mother, which he claimed was the only real home he ever knew; and he yearned for the freedom which characterize the Indian customs and mode of life, and to be relieved from the bondage of social restraint which grew more irksome as he grew older. He was fond of relating incidents of his childhood days,



CHARLES F. PICOTTE
Half-breed Sioux. Pioneer of Dakota
Territory



CHARLES K. HOWARD
Sutler at Fort Dakota during Indian
War. Pioneer of Black Hills and famous
live-stock grower.



BIRD'S EYE VIEW OF THE BAD LANDS

passed among his own people, when as a papoose his devoted mother packed him on her back. He had always a warm corner in his heart for his maternal ancestor, but seldom referred to his father, with whom he never had a familiar personal acquaintance. The father, however, it is said, did not grow unmindful of the welfare of the mother or his son, showing his paternal affection and interest by a cheerful readiness to provide sumptuously for their comfort. For a few years after leaving St. Joseph, Charles took employment from Maj. C. E. Galpin, who was engaged in the Indian trade at Fort Pierre, and who had now become the husband of Mr. Picotte's mother. He also attended to business affairs for other traders, all of whom testified to his integrity and diligence. In the meantime his acquaintance with his own people was growing more extensive and their interests were increasing in value and importance. Picotte's education gave him great advantages in the eyes of the Indians, who attributed to him many good qualities he did not possess and also vastly overrated his influence with the whites; but Picotte, if he understood this, was not disposed to undeceive his kindred. On the contrary he did what he could to justify the confidence they had in him, and circumstances at this time greatly favored the chief who possessed knowledge, over those whose principal recommendation was their valor and prowess on the war path and the number of scalps they had taken. As early as 1854 negotiations were set on foot to secure a treaty of cession with the Yanktons, and from that time until the treaty was finally made as heretofore noted, Picotte, Strike-the-Ree, and others were frequently besieged by small delegations of white men who came to secure their influence in favor of a treaty. Scores of shrewd business men in the Missouri Valley at Sioux City and below were then figuring on this project with the view of self enrichment. They were not working in unison, however, not even with any knowledge possibly that there were others after the same big prize. But their efforts to enlist Picotte and Old Strike in their schemes were unavailing. These two Indians, one educated according to the customs of the whites and the other gifted with great shrewdness and thought by large experience, made a very strong working force and easily controlled the situation among their own people. Between these two there was a full and frank understanding and they worked together harmoniously, never having the slightest open disagreement. Old Strike was a chief selected by his own people and also recognized as the principal chief by the "Great Father" at Washington, and Picotte had also received a chief's medal from President Buchanan. But while they turned a deaf ear to all other treaty makers they were glad to entertain the proposition when it came from Captain Todd and were not long in perfecting an agreement with the Todd party that finally secured the assent of the Indians and was acceptable to the Government. It was not entirely satisfactory to all Yanktons. There were some bands that did not want to treat and still they treated, but they were never satisfied or placated. In addition to his influence and labors in making the treaty, Picotte was of great value as a peace maker and peace restorer. The first agent, Redfield, was not the right man in the right place on all occasions, and was frequently in trouble; even his life was in jeopardy on more than one occasion and a plot to burn his house and massacre the inmates was discovered and frustrated by this white man's friend, Picotte. His good offices to Redfield, however, were not prompted by personal regard for the two seldom agreed and Picotte had no confidence in and little respect for the agent.

The liberal grants made by the treaty had placed Picotte in an independent position so far as his material welfare was concerned, and under ordinary good management his landed estate would have made him the wealthiest man in Dakota, to say nothing of the \$30,000 paid to him in cash during the ten years succeeding the making of the treaty. But Picotte was not disposed to conserve his opportunity, and instead of bestowing upon his estate the care of "ordinary good management" he seems to have given it no other consideration than to study how rapidly he could dispose of it. He became a good liver. His annuity of \$3,000 paid him by the Government was, as a rule, expended before he received it, and

he began very early to dispose of his landed property. Dr. W. A. Burleigh bought an undivided half of it in 1863, and Hon. W. P. Dale, commissioner of Indian affairs at that time, bought an eighty-acre tract.

Picotte entertained lavishly and generously, but his hospitalities were confined exclusively to his Indian kindred and Indian friends. He had cousins by the score and numerous aunts and uncles and nephews and nieces; also a family of his own. He had built a very comfortable home on the corner of the levee or Front Street and the street which bears his name, and here one could see on most any day of the year from three or four to a dozen Indian guests—men and women and papooses who were very royally entertained by Etakecha, as they called their great hearted host. This mode of dispensing his fortune might have set a good pace for Mr. Carnegie who is conscientiously opposed to dying rich, but who doubtless has never learned the method Mr. Picotte made use of, and which all too soon bore the inevitable result. There was a limit to Picotte's purse and he was not many years in finding the bottom of it. But in the meantime he had made himself very popular with the members of his tribe and seemed to regard the separation that had taken place between his fortune and himself with great complacency. And now when the time came that he was obliged to retrench and close forever his hospitable doors, there was a fervent and hearty welcome for him at Greenwood on the Yankton reservation, and thither he repaired in a cheerful frame of mind to spend the remainder of his days with his own people. He became a government interpreter, and partially discarded the raiment of the whites to which he had so long been accustomed, and put on the traditional blanket as more befitting his racial character and his station. Here he remained to the close of his life, the principal chief of his people, possessing their complete confidence. He died at his home in Greenwood. His wife and two sons, Henry and Peter, survived him and are still living near their old agency home.

SANTEE CAPTIVES RESCUED

December 31, 1862, an ambulance reached Yankton from Fort Randall, bringing two women and six children, who had been taken prisoners by the hostile Santees during the Little Crow massacre in Minnesota a few months previous, and had been in captivity between four and five months. They were cared for at the New England house, the name given to the White Union Hotel. They were on their way back to Minnesota and Iowa where they had relatives and friends, but they were not going home, for they had none—their homes had been destroyed during the early days of the Little Crow outbreak and they were taken prisoners by a band of Santee Indians August 22, 1862, at Lake Shetek, Minnesota. The Indians, after securing their captives, set out across the prairies for the Missouri River, and for several days traveled as fast as the women could be compelled to walk. The youngest girls were carried at times to facilitate the march, but the oldest of the children and the two women walked the entire distance to the Missouri. There were five half-breeds captured with the whites but they managed to escape. The names of these released prisoners were Mrs. Julia Wright, wife of John A. Wright, and her daughter, aged five years; Mrs. Laura Duley and her daughter, aged nine years; a little niece of J. M. Duley, aged five years; also Rosanna and Ella, daughters of Thomas Ireland, aged nine and seven years, and Lilla, daughter of William Everett. The husband of Mrs. Duley was killed during the massacre. He was one of the pioneers of Sioux Falls who had returned to Minnesota. The captives, as they were called, received a cordial welcome at Yankton, and the ladies of the city very soon made them as comfortable as it was possible to do, and provided them with ample and suitable apparel which they sadly needed. They had remained about two weeks at Fort Randall on their way down, where they were tenderly cared for, and the rest they enjoyed had done much to improve the health and appearance of the women; but all of them, in-

cluding the children, plainly exhibited the baneful effects of the life they had been compelled to lead during their captivity. It had been a period of continual privation and exposure for all of them. It is not necessary to chronicle here the statements made by the women regarding the treatment they were subjected to. It differed in no essential feature from the customary treatment white women receive when made captive by hostile Indians. It is sufficient to say that it was a marvel how they endured it all and came out of it alive. Both these women were quite intelligent and ladylike, and keenly felt the indignities and outrages they had suffered. The party remained here a week, and in addition to some individual donations, a collection amounting to \$40 was taken up for them at the Sunday evening service of the Episcopal Church. Mr. Wright joined his wife here, and on Wednesday, the 7th of January, the entire party took their departure by stage, the Wrights going back to Minnesota, and Mrs. Duley and her children going to Cedar Falls, Iowa. The other children were taken to Minnesota, but it was not known whether their parents were living. In case they were slain, the children were to be given into the care of near relatives.

The discovery of these captives and the manner of their release will now be of much interest to the reader.

It will be recalled that as rapidly as possible, after the Little Crow outbreak, a body of mounted Minnesota troops was sent out against the hostiles, the main body of whom retreated into the northern portion of Dakota Territory, in the direction of Devil's Lake. The party having these women and children as prisoners did not take that direction, but followed generally a westerly course, and struck the Missouri River about one hundred miles above Fort Pierre, near Standing Rock, early in October, and went into camp on the west side. The chief of the band was known by the name of White Lodge. Here they were located when Maj. Charles E. Galpin, with his wife, a Yankton Indian woman and mother of Charles F. Picotte, came down the river about the middle of November. Galpin, with eleven white men and Mrs. Galpin, had left Fort Benton, in a Mackinaw boat, about two weeks before and were coming through to Yankton. On the trip Mrs. Galpin was delivered of a child that had afterwards died on the boat, and the major designed to take the little body to Fort Pierre and bury it, that place having been a former home. The Santees at White Lodge's Camp induced the Galpin party to land, much against the major's wishes, as he knew their hostile character and had little faith that his wife and himself would be able to protect the others who were white passengers. But there seemed no alternative. The first intention of the Santees was to massacre the whole party, but a young Indian who had known Mrs. Galpin interposed and succeeded in having the massacre postponed until he could have an interview with Mrs. G. In this interview Galpin learned about the female prisoners, and also that a much larger band of Santees numbering 450 lodges were in camp a few miles below, and that there were three Yanktonnais Indians with them. A further parley and an armistice was arranged until the Yanktonnais Indians could be sent for. While the courier was absent to bring up the Yanktonnais, Galpin improved the time by enticing a number of Indians aboard the boat and managed to have them sit in such positions as would screen the occupants of the boat should the Indians on shore shoot. In about an hour the Yanktonnais came up and proved to be friendly to the white passengers, urging the Santees to let them go. For a long time their intercessions fell on deaf ears. The Santees wanted white man's blood, and here was an opportunity to get their fill of it without much risk to themselves. It seems that the object of the visit of these Yanktonnais to the Santee Camp had been to make an offensive alliance against the whites—the Yanktonnais, except Big Head's band, not having declared themselves at this time; and as a last resort the Yanktonnais informed the Santees that all negotiations were off unless the Galpin party was released. This brought them to terms—the whites were released. Having escaped this peril, the next danger was the big camp of Santees four miles below. The three Yanktonnais remained aboard the Mackinaw and when

they came into view of the Santee Camp there was a great shouting and halloing, drums were beating and the Indians cocked and leveled their guns at the boat to bring it ashore. Galpin saw that he must land or they would probably all be killed, the Indians being well armed, and he turned the boat in shore. As soon as he reached the bank the three Yanktonnais jumped out, seized the boat and pushed it back into the river, telling Galpin to go on regardless of the threat of the Santees. The Yanktonnais did not care to risk another parley with this large party, but felt confident that they could restrain the Santees from firing on the boat, and they did. Just as the Galpin party had got fairly started a white woman came running down the bank of the river and implored him to release her. This he was powerless to do, but promised to send a ransom after he reached Fort Pierre that would secure her release and that of the other prisoners. She told him her name, which he did not hear distinctly but he understood her to say that she was a daughter-in-law of John Price or Rice, of Green County, Illinois. In the meantime the three Yanktonnais were able to prevent any attack on the boat by the Santees. As soon as practicable after the Galpin party reached Fort Pierre, where the major had a trading post, he sent a delegation to purchase the prisoners, who took with them twenty horses and a large supply of provisions with which to pay the ransom. It was learned at Fort Pierre that the prisoners numbered two women and six children. The band of Santees having them in custody was under the command of White Lodge. The foregoing particulars were learned from the lips of Major Galpin who arrived at Yankton in his Mackinaw on the 23d of November, remaining here one day, when he went on east intending to visit Washington and urge the importance of more troops and military posts in the upper country. This the major did, returning to Yankton in January, and after a brief stay went up the river intending to get through to Benton as early as possible.

About the middle of November, Major Pattee, who was stationed at Fort Randall, fitted out a winter expedition for the purpose of reconnoitering in the hostile Indian country, in according with orders received from commanding General Pope. He was instructed to ascertain the whereabouts of Little Crow and his army of hostiles, and any other information that would be of value to the forces, who were to be led against these Indians in the spring. Pattee was also instructed to secure the release of white prisoners, without defining any particular individuals. A large number of captives were made in Minnesota, and as many as ninety had been recovered from Little Crow's main army. Major Pattee's military force was made up of Company A, Dakota Cavalry, and Company C, Forty-first Iowa Infantry. Pattee's expedition got away from Fort Randall November 26th, accompanied by Maj. W. A. Burleigh, agent of the Yanktons, Adjt. Gen. Charles P. Booge, of the governor's staff, and Dr. Justice Townsend, company surgeon.

On the 2nd of December following, Major Campbell, a paymaster in the United States Army, reached Yankton from Fort Randall, and brought the information that Major Burleigh had returned and he had learned from him that the white captives at Beaver Creek above Fort Pierre had been ransomed and released. This was the Santee Camp under White Lodge to which Galpin had sent the horses and provisions from Fort Pierre. The ransoming party had considerable trouble in effecting negotiations. They were backed up, however, by a number of Yanktonnais, and finally made terms by giving a horse and some provisions for each prisoner, two women and six girls. The prisoners were sent down to Fort Pierre, and on their way met the expedition under Colonel Pattee and were turned over to that officer. The prisoners were in charge of Mr. Dupuis (pronounced Dupee) and Colin La Plant, at the time Pattee met them. Pattee's troops had recently been paid, and they raised a purse of \$250 and gave it to the captives. Pattee detailed a small escort and sent the whole party directly to Fort Randall. After a fortnight's rest at Randall, the captives came to Yankton.

With the main portion of his two companies Pattee spent a couple of weeks reconnoitering, picking up such information as was available, when he returned

to Randall with Company A, leaving the Iowa troops at Fort Pierre for the winter.

FIRST CAPITOL BUILDING

Messrs. Charles F. Picotte and Moses K. Armstrong had concluded to erect a building suitable for the meeting of the two legislative bodies, and selected a site for the edifice on the corner of Capital and Fourth streets, Yankton. The lumber for the structure had all been delivered on ground in August, 1862, but the Indian troubles became so menacing that construction work was not at that time begun; and a few weeks later the building material which they had accumulated at great pains and at considerable expense was confiscated by the local militia under the unwritten law of "military necessity," and entered into the construction of the fortifications at Yankton during the Indian war in September following. After the Indian troubles had in a measure subsided, the same parties procured a second supply of material, not however, equal in quality to the first, and with the aid of a large force of mechanics, erected a two-story frame building on the northeast corner of Capital and Fourth streets, which was arranged for the accommodation of the legislative assembly and the sessions of that body were held in the completed structure in December following, and annually thereafter until 1888-89, when Congress discontinued the annual sessions of the Legislature. The building stood on the Picotte grant, and was the first capitol building of Dakota. When not in use for legislative purposes, the building was used by religious societies, Sunday schools, private schools, historical society and other lectures, church festivals, school exhibitions, public meetings of various kinds, by the surveyor general's office a few months in 1869, and for a brief time the first Masonic lodge of the territory held its meetings in the second story. When the annual sessions of the Legislature were discontinued, the building lost its best patron, and the structure was thereafter fitted upon for a private residence. The view of the building in this work was taken during the pendency of the election in 1866, when the democrats, aiding the Johnson republicans, captured a majority of the legislative members and also the county offices. The latter, however, were accepted under protest.

BEAR'S RIB KILLED FOR RECEIVING GOODS

In the fall of 1862 the sentiment of hostility toward the whites and the Government was quite general throughout the Indian population of the Northwest, but did not include them all. There were a respectable number who refrained from the warpath, and from hostilities; but who kept secluded and quiet, fearful of provoking the wrath of their red brethren who were at war and who were disposed to treat the non-combatants of their own people as enemies. As these hostiles had now severed their friendly relations with the Government, they had resolved to accept no further annuity goods or presents from the Great Father, and would also prohibit the non-combatants from receiving any favors from the same source under penalty of death. An instance of their determination to enforce their non-intercourse policy is related by Judge Samuel A. Latta, of Leavenworth, Kansas, who was appointed agent of the Upper Missouri Indian tribes, in 1861, and made an annual voyage as far up the Missouri as Fort Union during his term.

In 1862 he had called the Indians of the Brule, Two Kettle, Uncpapas, Minneconjoux and Sans Arcs, and possibly Yanktonnais tribes to assemble at Fort Pierre and receive their annuities during the latter part of the month of May. There should have been about six thousand Indians assembled, but there was only a small fraction of that number, and these explained that their tribes were hostile to the Government. They further stated that they could not receive the annuity goods and presents sent by the Great Father, because it would arouse the anger of the hostile Indians and they would all be killed. They also made serious com-

plaints of the Great Father's neglect of their welfare, and charged that the treaty pledges had been frequently violated by the Great Father's children. The goods intended for the Indians were taken from the boat, however, and piled up on the bank of the river in separate piles in quantity conforming to the number of each tribe, though the Indians insisted that their lives would pay the penalty if they received them. Finally, Bear's Rib, an Uncpapa chief, and a life-long friend of the United States, made a speech, declaring his loyalty and his long years of steadfast friendship for the whites. He reiterated that to receive the goods would endanger his life and the lives of all his people, but to show his fealty to the Government he had made up his mind to accept them this time, but warned the agent not to bring any more unless the soldiers were sent with them to guard the lives of the friendly Indians.

After Agent Latta had left that point for the upper river, where he was to make further distributions, a numerous band of the Sans Arc Sioux of the hostile faction came into the fort, which was the Fort Pierre built by LaFromboise, and killed the old chief with several others.

ANOTHER ACCOUNT OF THE RESCUE

Ex-Governor Edmunds, while engaged with the Sioux Indian Treaty Commission in 1882-3, which endeavored to make an agreement with the Indians for a portion of the Great Sioux reservation, came across an aged chief of the Two Kettle Tribe of Sioux whom he had known at the time he was governor of the territory, and knew him to be a sincere friend of the whites. The old chief's name was Mah-to-to-pah, or Four Bear. He was head chief of the Two Kettles, who occupied a small reservation opposite Crow Creek with their relatives the Lower Brules. Four Bear was born at the mouth of Bad River, just below Fort Pierre, in 1833, and was then living in a comfortable house and was a devoted Christian and an industrious Indian who had made commendable progress toward civilization. He claimed to have led the party which rescued the white captives from the Santees, and the following was his account of the rescue:

In November, 1862, he heard that the Santees had broke loose in Minnesota that fall, and had killed a good many white people, and had taken some women and children captives and were treating them very badly. He called a council of his braves, and it was determined among them that they would rescue these prisoners and restore them to their friends.

There was bad feeling existing between the Two Kettles and Santees from the fact that the Santees had stolen most of the Two Kettles' ponies that year, and he thought that his party would have trouble in rescuing the captives. Four Bear selected fourteen of his best men and with eight good horses started up the river in a blinding snow storm. They took their rifles and bows and arrows, as they would if going to war. They were seven days traveling, nearly all the time day and night, with frequent snows impeding their way, and finally reached the Santee camp at the mouth of Grand River. They went into camp close to the hostiles, and in the morning early were invited by the Santees to a council. They tied up their eight horses close to the tepee and went in. They found all the hostiles there, each with his gun in his hands pointing upward. He was asked what urgent business had brought him and his handful of braves so far from home at that time of year. Four Bear arose and made them a speech in which he told them he had heard that they had been on the warpath and had taken some prisoners. He told them that he and his little party had come for the captives and would not return without them.

In reply to this one of the Santees told him, in a very abusive way: "You are all Indians and belong to the same confederation that we do, and instead of being friendly to the accursed paleface you should unite with us and help slay them as long as there is a Sioux on the face of the earth."

At the conclusion of the speech Four Bear and his braves arose and replied that they were friends of the whites, had never lifted a hand against them, and never would.

Black Hawk, one of the prominent Santee chiefs, said they had captives and they were worth money, and nothing less than \$1,000 in ponies would get them. The council was an angry, stormy one, lasting the entire day. No man among the Santees had a kind word for Four Bear and his party.

At sundown the Santees had concluded that they must give up the captives or go to war with Four Bear and his party. Black Hawk then arose and stated that they would give up the captives for the eight horses and saddles. This proposition was accepted, and the exchange began. Black Hawk led in a small girl that had been wounded in one of her



TERRITORIAL CAPITOL BUILDING, YANKTON
Built in 1862. Throng gathering at the polls in October, 1890

arms, and gave her to Four Bear and then went and took Four Bear's war horse. Black Hawk's father had a prisoner, Mrs. Julia Wright, and he had taken her for a wife, and he was not in favor of the agreement, but his son brought her in and gave her up. After the captives were all brought in, they smoked the pipe of peace and went to their camp. The Santees on their retreat from Minnesota with their prisoners were so afraid of being overtaken by the white soldiers that they took no time to hunt, and in consequence the prisoners were nearly starved. The first good meal for long weeks was indulged in that night, consisting of venison and coffee.

The prisoners were so destitute of clothing that Four Bear's band was compelled to divide theirs with them. Four Bear gave his little girl his blanket, stockings and moccasins. The weather was very cold, but the homeward march was undertaken. The six children had to be carried every step of the way, and the two women a part of it. Some of the Indians would go ahead and kill game and have the camp ready at night when they arrived. Because of the depth of snow, the journey was slow and full of labor. At Swan Lake they met some of their people and traded ammunition and blankets for sugar and coffee for the captives, and in the morning they all contributed everything they could spare for the use of a big horse to get home with. They made a "travoise," which is two long poles, one end of each fastened to the saddle, extending backwards on each side of the horse, with cross pieces lashed on. The six children were bundled on this vehicle and they got along splendidly. At this point on the road they were overtaken by Black Hawk's father, who wanted his wife back, and told Four Bear he would have her or there would be trouble. Red Dog was detailed to look after him, and he was told to show them the flat of his foot instantly or he would be shot. He followed at a distance for a day and then went back. The captive party arrived at last at their camp, and the next day took the captives across the river to old Fort Sully or near there, and turned them over to Colonel Pattee, who was in command of an expedition sent out from Fort Randall to secure these same whites. Pattee, on receiving the prisoners, gave Four Bear a letter, of which the following is a copy and was still in possession of the chief:

"Fort Pierre, Dakota Territory, December 12, 1862.

"The bearer, Mah-to-to-pah, is one of the eleven Indians that recovered Mrs. Julia Wright, Mrs. Emma Daly, and six children from the Ih-Sanu-ta, near the Grand River, in November, 1862. He deserves to be kindly treated by all. JOHN PATTEE,

"Major, Forty-first Iowa Cavalry Expedition, in Search of Prisoners."

The officer told the Indians that they had done something of great service for the Great Father and he would remember them and pay them for their horses and their trouble. But this reward had not reached Four Bear in 1881. There were then living but three of the rescue party, Charger, Swift Bird and Four Bear. The Two Kettle band of Sioux were called by the other tribes "the fool band," from the fact that they were always friendly to the whites.

CHAPTER XXV

THE SECOND SESSION OF THE LEGISLATURE

1862-63

SECOND SESSION OF THE LEGISLATURE—THE HOUSE DIVIDES—ELECTION FRAUDS INVESTIGATED—TWO LOWER HOUSES IN SESSION—BRULE CREEK INVESTIGATED—JAYNE'S SECOND MESSAGE—GREAT SEAL OF SUPREME COURT—BIOGRAPHIES RED RIVER MEMBERS—THE ELECTION FRAUDS.

The second session of the legislative assembly of the Territory of Dakota convened at Yankton on Monday, December 1, 1862. The Red River country had been allowed an increased membership by an act of the first Legislature giving that county a councilman and two representatives, which made the membership of the council of the second session ten, and of the House fourteen. A new edifice had been erected during the fall for the accommodation of the Legislature. It stood on the northeast corner of Capitol and Fourth streets, and was dignified with the name of the Capitol Building. Picotte and Armstrong were the owners. It was a two-story building—the council chamber upstairs, and the House in the first floor. There was also a committee room and a cloak room partitioned off on each floor. The dimensions of the structure were 24x60 feet.

The two Houses met at 12 o'clock A. M. The council was made up of the old members who had been elected for two years, namely: W. W. Brookings, Minnehaha; Austin Cole, Cole County; J. W. Boyle and Jacob Deuel, Clay County; Enos Stutsman and D. T. Bramble, Yankton; John H. Shober, Bon Homme County; J. Shaw Gregory, Todd County; and James McFetridge, Kittson County, Red River. There were no contested seats and after calling to order by President Shober, of the first session, permanent organization was effected by the election of Enos Stutsman, president; James Tufts, secretary; W. W. Warford, Bon Homme, assistant secretary; Lorenzo Robinson, of Clay, sergeant-at-arms; Hans Gunderson, of Clay, messenger; Ole Halverson, of Cole, fireman; and Rev. M. Hoyt, of Yankton, chaplain.

Councilman Betts, of Clay, with his family had left the territory during the Indian troubles, and he did not return. His seat was vacant during the session. A brief sketch of his life is given elsewhere.

This House of Representatives convened under most troublesome auspices. The election in Bon Homme, Charles Mix and Cole counties had been characterized by gross irregularities and unlawful methods, and the result was that there were contesting claimants for all the seats from those districts. It became the duty of the secretary of the territory, Mr. Hutchinson, to prepare the roll of the members of the House, and he declined to place any name on the roll except those whose seats were not contested. This done, the secretary called the roll, omitting the names of members claiming seats from Cole, Bon Homme and Charles Mix, six in all. As called by the secretary, the House was made up of A. J. Harlan and A. W. Puett, Vermillion, Lassa Bothun and Jacob A. Jacobson, West Vermillion; M. K. Armstrong and Knud Larson, Yankton; H. I. Donaldson and Joseph Y. Buckman, Kittson County, Red River, eight in all. Attorney General Gleason administered the required oath of office, whereupon a temporary organiza-

tion was effected by electing A. J. Harlan, speaker; R. M. Hagaman, Mixville, chief clerk; and William High, Yankton, sergeant-at-arms. No further business was done and the House adjourned until the following day, when it reassembled. An effort was made to effect a permanent organization, but it failed. Harlan and Puett were both candidates for speaker, but neither could muster a majority, there being a pronounced sentiment against permanently organizing while so many of the seats remained vacant, and without transacting any business the house adjourned until 10 o'clock, Wednesday.

In explanation of the division existing in the House it may be well to say that the members were peculiarly divided. Harlan and Puett, the two candidates for speaker, were both radical republicans and both from Clay County, but Harlan had been a supporter of Todd at the late election, as was also Attorney General Gleason and quite a number of republicans of prominence, and the contest for control of this Legislature was conducted with the view of aiding either Jayne or Todd in the contest which General Todd instituted to unseat Governor Jayne, who had been awarded the certificate of election as delegate. The eight sitting members were equally divided on this issue. Puett, Bothun, Larson and Jacobson being supporters of Jayne; and Harlan, Armstrong, Donaldson and Buckman supporting Todd. The contestants were divided on similar lines. The election had occurred during the first days of the Indian troubles when there was great excitement and alarm throughout the settlements, and advantage had been taken of this condition by some unprincipled men to commit frauds on the ballot box, and as it now presented itself to the sitting members, it seemed a tangled mess to unravel.

On the third day the House made no attempt to permanently organize, but a number of petitions, certificates and affidavits bearing on the contested cases were presented as follows: N. J. Wallace and M. H. Somers v. Wm. Mathews and William Frisbie, claimants from Cole County; F. D. Pease from Charles Mix v. Henry A. Kennerly, from Todd; and R. M. Johnson and Edward Gifford v. Laban H. Litchfield and Henry Hartsough from Bon Homme. These papers were referred to a select committee composed of Armstrong, Puett and Donaldson.

The House also elected Byron M. Smith, of Minnehaha, assistant clerk, and Rev. M. Payne, Methodist clergyman at Yankton, chaplain, both pro tem., and then adjourned.

On the fourth day the list of temporary officers was completed by electing John Lawrence, of Yankton, messenger, and J. S. Presho, of Yankton, fireman. No report was made by the committee having charge of the contest papers. Another effort was made to effect a permanent organization, but it failed, though on one ballot, Armstrong received the four republican votes, but his own vote was given to Harlan, and it was understood that he was uncompromisingly opposed to the speakership coming to Yankton. An adjournment was taken to the next day, Friday, when upon the convening of the House, Messrs. Armstrong and Donaldson, forming the select committee appointed to investigate and report on the claims of the several contestants, made the following report which will explain the political mix up in Cole County, the difficulties incident to instituting among men the lawful and orderly methods of organized society, and the additional local difficulties growing out of the Indian troubles and a county seat contest.

To the Honorable House of Representatives of the Legislative Assembly of the Territory of Dakota:

The select committee to whom was referred the memorial of N. J. Wallace, M. H. Somers, Wm. Mathews and William Frisbie, of the first representative district; Laban H. Gifford, R. M. Johnson, Laban H. Litchfield and Henry Hartsough, of the seventh representative district; Henry Kennerly and F. D. Pease, of the eighth representative district, claiming seats upon the floor of this House of Representatives from the said representative districts, beg leave to report to the house that time has been allowed the contestants to adduce all the proofs necessary and pertinent to elucidate the truth and aid your committee in the determination arrived at in this report; that they have with much diffi-

tion and care considered the testimony in these several contests, and beg leave to present hereby their conclusions and recommendations in the premises. Your committee would ask to be excused from here reciting in detail the evidence elicited in the examination, and will allude to, in brief and in their order, the conclusion of fact which the testimony afforded to their minds, referring the house to the proofs themselves, herewith accompanying, as to the propriety and right of the views taken of the subject matter by your committee.

[This evidence will be found in full in this chapter in the contest testimony in the Todd-Jayne case, taken before Chief Justice Bliss at Yankton during this session of the Legislature, as also the evidence in the Bon Homme and Charles Mix cases.]

Your committee find that in the first representative district, comprising Cole County, that three election or voting precincts were held, to wit: One at what is known as Big Sioux Point, one at Elk Point, and the third at Brule Creek, on the 1st day of September last, agreeably with legal notice; that at said election in said first representative district, N. J. Wallace, M. H. Somers, William Mathews and William Frisbie were candidates, respectively, for the office of representatives in the House of Representatives in the Second Legislature of the Territory of Dakota; that the elections at Elk Point and Big Sioux Point precincts held on that day were conducted in a fair, formal, legal and orderly manner; that the election at Brule Creek was characterized by systematic, deliberate and obviously preconcerted fraud, and a predetermination to outvote, by fraudulent and factitious means, the other two precincts before mentioned, without regard to consequence, to character, or the elective franchise. The location of the county seat of Cole County, submitted to the popular vote, doubtless more than any other motive, instigated, planned and effected the most flagitious wrong upon the rights and interest of the residue of the voters of the county, furnishing a precedent unrivaled if equaled, in the history of fraudulent elections—a fraud by common consent and participation, without the usually attendant circumstances of violence in such cases; and if interest such as might be enhanced by an achievement of this character, can aught extenuate, your committee are fain to say is all that can be suggested or found in the transaction to cover from reproach and infamy the participants in that election fraud.

Therefore, in view of all the foregoing circumstances, and influenced only by a desire to do justice to all parties, they can arrive to but one conclusion in the premises, viz.: That N. J. Wallace and M. H. Somers are the legally and fairly elected representatives for this district, and are now legally and justly entitled to seats in this house.

M. K. ARMSTRONG,
H. S. DONALDSON.

This report was not acted upon, except to lay it on the table, and further time was granted for reports in the other cases. There was no minority report made, though Mr. Puett had declined to join in the report submitted. A permanent organization was then effected on a compromise plan. The business of the Legislature was at a standstill, and no progress could be made until the House had permanently organized. There had been a caucus the previous evening, and the hatchet had been temporarily buried. A vote on permanent organization resulted as follows:

For speaker, A. J. Harlan; for chief clerk, Byron M. Smith; assistant clerk, R. M. Hagaman; sergeant-at-arms, Gustav Jacobson, Clay; fireman, J. S. Prescho; messenger, Thomas Halverson, Clay; chaplain, Rev. J. L. Payne.

The customary notices to the governor and council notifying them of the permanent organization were ordered, when the House adjourned.

Upon reassembling the sixth day, the House immediately took up the contested seat matter independent of the report of the select committee, and on motion of Mr. Bothun, N. J. Wallace and William H. Frisbie were admitted to seats from Cole County; and L. H. Litchfield and R. M. Johnson were admitted from Bon Homme County. This action was simply a temporary compromise, Litchfield and Frisbie being Jayne men, and Wallace and Johnson, Todd men. It served the purpose, however, of giving the district their full representative vote in the Legislature. The House then adjourned until Monday at 10 A. M. Monday the standing committees were appointed and a skirmish took place between the factions brought on by an effort to seat Pease of Charles Mix, who was opposed by Kennerly. A hot debate followed, the speaker taking a hand. When it came to a vote all the affirmative motions were lost. And the House finally adjourned. Tuesday there was a stormy and exciting session. Harlan, Armstrong and Puett doing the debating. Armstrong accused the Jayne members with violating the

compromise pledges. Harlan went after the Jayne people in a pitchfork fashion, and Puett retaliated with accusations that threatened a general combat. Finally a motion was made to admit Hartsough of Bon Homme and remove Johnson. Donaldson offered an amendment to this motion to insert the names of Litchfield and Frisbie, both of whom were then occupying seats. The speaker instructed the clerk not to call the names of Litchfield, Frisbie or Johnson on the motion. This took off two Jayne votes and one Todd vote, and gave the Todd men one majority. This ruling brought matters to a crisis—the Jayne men discovered that they would be outvoted, and under the leadership of Puett they quietly withdrew from the House, which left that body without a quorum. The retiring members were Puett, Bothun, Frisbie, Jacobson, Larson and Litchfield. The House then adjourned.

When the House convened Wednesday morning Armstrong presented the credentials of Henry Kennerly, of Charles Mix, and George P. Waldron, of Minnehaha, and they were sworn in by Attorney General Gleason. It was well known that no election had been held in Minnehaha County. Every white settler including Mr. Waldron had left the county and the Town of Sioux Falls on the 30th of August, two days before election, and had come to Yankton, and remained here. Where Mr. Waldron obtained his credentials from was a mystery and what they consisted of was another mystery. Minnehaha was entitled to one member and Waldron had been elected the year before and served at the first session, and he may have claimed that he was entitled to the seat until his successor was elected. He was anti-Jayne republican, and his vote would be of great service as matters stood in the House. He had refrained from making any claim to a seat for ten days after the session began, and now at an opportune time, when the House is left without a quorum by the bolting of six members, he quietly enters and is given a seat without protest. Mr. Armstrong, from the Committee on Elections, which committee had taken over the contested cases first given to a special committee, submitted a report embodying the report heretofore given as to Cole County, recommending the seating of Somers in place of Frisbie. The report took up the Bon Homme County contest between Gifford and Litchfield and found:

That from all the evidence and affidavits furnished by the contestants it is proven that only thirty-nine votes were polled in said district on the 1st day of September, as is established by the affidavits of the judges and clerks of the election; that out of said thirty-nine votes the petitioner, Edward Gifford, received twenty-five votes, as is proven by affidavits coming direct from the individual electors who voted for said Gifford; that Mr. Gifford holds a certificate of election from the acting register of deeds of said district; that, although a disturbance was created at the closing of the polls on the ground of a presumed fraud on the candidate for delegate to Congress, thereby preventing the canvass of the votes, yet it is proven that twenty-two of said thirty-nine voters voted open tickets for said Gifford at a second election, and that twenty-six of said thirty-nine voted for Mr. Gifford at the first election. Therefore your committee can arrive at no other conclusion than that your petitioner, Edward Gifford, is endorsed by a large majority of the legal electors of his district, and is therefore justly entitled to the seat now occupied in this house by Laban H. Litchfield as representative from the seventh district.

M. K. ARMSTRONG,
H. S. DONALDSON.

This report was adopted and Gifford and Somers were sworn in as members, giving the House eleven members. The next ceremony was the joint convention to receive the message of the governor, which had been fixed for 2 o'clock this day, and at that hour the two bodies met in the hall of the House and Mr. Armstrong and Councilman Shoher were appointed a committee to wait on the governor and inform him that the two houses were ready to receive any communication he had to make.

The governor replied to the committee that he had no communication to make at present, and that he did not "recognize the branch of the Legislature to which M. K. Armstrong belongs."

This report being submitted to the joint convention that body dissolved, each returning to their respective chambers. The officers of the House who were in sympathy with the members who withdrew, now absented themselves. These were Assistant Clerk Hagaman, Sergeant-at-Arms Jacobson and Fireman Presho. Their places were filled pro tem. by the election of James M. Allen, Daniel Gifford and William M. Stevens, when the House adjourned.

We must now inquire into the whereabouts of the bolting members who abruptly left the House on the ninth day. They assembled at Bramble's Building on the levee, occupied by the governor, who vacated the rooms and organized a House of Representatives, admitting to seats the claimants from Cole, Bon Homme and Charles Mix, namely Wm. Mathews, Henry Hartsough, and F. D. Pease. This gave them a quorum and they organized by electing A. W. Puett, speaker; R. M. Hagaman, chief clerk, and Gustav Jacobson, sergeant-at-arms. They notified the council of their organization but that body declined to recognize them, having already recognized the other house, which left them in at least an anomalous position, but they met and adjourned from day to day and awaited developments.

The regular House continued its sessions but did nothing in the way of legislation. The first bill introduced was by Mr. Somers, on the fifteenth day, to locate the county seat of Cole County, which was referred to a select committee. It was evident that the leaders of the House were uneasy and dissatisfied with their position. The council was going along with its business, introducing and passing bills, and apparently paying no attention to the House troubles. The governor had not yet recognized this Legislature, and at that time he had absolute power under the organic act to veto any bill, and there was no appeal. It was also a question how far the secretary, who paid the members their per diem, would be justified in disbursing the public funds. So matters ran along to the fifteenth day, when Representative Kennerly, of Charles Mix, offered the following resolution:

Resolved, That the Hon. William E. Gleason, attorney general of the territory, be respectfully requested to furnish to this house his opinion, in writing, as to whether the recognition of the governor is essential to the competency of this house to proceed with the business of legislation.

The resolution was adopted. An unsuccessful effort was made to fill the list of House officers by electing them permanently, and the House adjourned.

After the House convened on the sixteenth day, a communication was received and read from Attorney General Gleason, giving his views of the powers of the governor and the rightful authority of the Legislature, deciding that the governor had no authority to interfere with the membership and organization of the legislative bodies.

The opinion of the attorney-general apparently failed to do much more than disclose the profundity of his legal accomplishments, while it enabled him at the same time to exhibit his animosity toward the governor, whom he greatly disliked, a feeling that was most cordially reciprocated, but was supposed to extend only to their political differences.

And now the peace-makers appear—those who have the oil and pour it freely on the troubled waters. Civilized man will never be able to discharge the debt he owes to the one who first discovered that successful resort of all good statesmen, "compromise." How marvelously it works to bring order out of chaos. How gratefully is it recognized as it steps into the breach in the nick of time and saves the state, when all seems hopelessly rushing to ruin.

The reluctance of the House to take up the work of legislation discloses a lack of confidence on the part of the leaders in their position. They were not satisfied and were waiting for the peace-maker to step in and suggest a solution of the difficulty. The members of the council were also interested in a speedy settlement of the trouble. They had passed a score of bills of value to their

constituents and to their reputations and twice as many remained to be acted upon, and while all were interested closely or remotely, in the delegate contest, they were not prepared to make that event a pretext for neglecting their legitimate duties.

The peacemakers, after frequent canvassing, finally hit upon a plan, and on the seventeenth day at the opening session in representative hall, the bolting members whose seats were not contested, appeared and took their places; while the subsequent proceedings plainly indicates that the friends of Jayne have received concessions. Immediately after the session opened for business, Speaker Harlan tendered his resignation as speaker as follows:

Gentlemen: I feel very grateful to you for the honor you did me by electing me as your presiding officer at an early day of the session, but believing that I can better serve the interests of my immediate constituents occupying a place on the floor of the house, therefore, for the sake of harmony, order and law, I now most respectfully tender to you my resignation as speaker of this house, to date from and after the present moment.

Respectfully, your obedient servant,

A. J. HARLAN.

The resignation was accepted.

Immediately following the resignation of Speaker Harlan, M. K. Armstrong was elected speaker, receiving every vote except that of Wallace, Donaldson and his own. On taking the chair Armstrong spoke as follows:

Gentlemen of the House of Representatives.

While returning to you my heartfelt thanks for the honor you have conferred upon me, it is with reluctance and embarrassment that I assume the responsibilities of the position to which I have been assigned. I accept it, gentlemen, at your hands, with the hope of aiding to heal the wounds of discord, to disperse the clouds of commotion, and bring the distracted bodies back to the folds of harmony and compromise.

In assuming the chair I shall yield no principle, and sacrifice no stand in behalf of my party and friends. But at present the life of the territory hangs upon the action of this body, and in such crisis it is the duty of every representative of the people to discard all party ties and throw off all personal prejudice, and to act, not for himself, but for the people; not for the victory of his personal opinion, but for the general welfare of the common territory.

To this object, gentlemen, I shall endeavor to stand acquitted before God and my country, and shall attentively labor to observe, not to divert; to facilitate, and not to hinder, the will of the assembly.

It was evident that a compromise had been effected not entirely satisfactory to either party, but much nearer suiting the Jayne people than the Todd party, notwithstanding Armstrong, a Todd democrat, had been taken as speaker and Harlan, a Todd republican, deposed. But it is generally admitted that the foes of your own household are much more bitter and relentless than those of a different household, hence anybody under the circumstances except Harlan would have been the first demand of Mr. Puett, who was Harlan's colleague from Clay County, and a staunch supporter of Jayne.

The next proceeding was the summary unseating of Somers, of Cole, who was succeeded by Frisbie; also the unseating of Kennerly (General Todd's right-hand man), of Charles Mix. The following day the members answering to roll call were Messrs. Bothun, Buckman, Donaldson, Frisbie, Gifford, Harlan, Johnson, Jacobson, Larson, Puett, Wallace, Waldron and Speaker Armstrong. Byron M. Smith, who had been elected chief clerk, presented his resignation in writing after the roll was called.

Mr. Smith's resignation was followed by that of the other officers, all of whom undoubtedly foresaw that they would be required to vacate under the new order. The House then reelected Robert Hagaman chief clerk and James M. Stone, assistant clerk.

The Charles Mix County contest case was again taken up on a report of the elections committee and F. D. Pease was seated in place of Henry Kennerly.

At 2 o'clock in the afternoon of the seventeenth day the two Houses met in joint convention and received the governor's message as follows:

[This message serves to show the extent of the Indian war then pending, the early construction of a railroad across the great western plains, the discovery

gold in Western Dakota, now Montana, and other interesting and important incidents in our early history].

Gentlemen of the Council and House of Representatives:

While humbly acknowledging our dependence on the kindness of God, let us return thanks for the many blessings which our people have enjoyed during the past year—peace in the midst of war, abundant harvests and general health. While the whole country has been convulsed with the throes of a mighty civil rebellion, devastating the finest regions of our country, destroying the crops, and wasting the hard-earned accumulations of the husbandman, depopulating and laying waste whole districts of country, sacking and destroying towns, ruining commercial marts, and carrying want and destitution into tens of thousands of once happy homes; while Indian depredations and massacres of untold ferocity and brutality, and to an extent unheard of in all the annals of savage war, have been committed only just without our limits, yet Dakota has been spared all the immediate calamities of civil and to a great extent the horrors of Indian war, and our people have been blessed with security and prosperity.

The First Legislative Assembly enacted a civil and criminal code, established a revenue, militia and educational system, formed all the counties which our settlements seemed to require, and passed many other acts of necessary legislation. I am not aware of many alterations or amendments to our laws which are at present demanded, though doubtless time and more experience in their practical operations will suggest some. I would recommend some legislation in reference to our territorial courts. No time or place for the holding of terms of the territorial courts having as yet been designated by any act of the Legislature, many cases which cannot be brought before the federal courts will have to be postponed until some action is taken by your honorable body upon this subject.

The questions which are most intimately connected with the welfare and settlement of Dakota, and which will require your attention and consideration, are Indian affairs and military protection of the frontier. Although the Legislature has no direct control and authority over these matters, yet it is very desirable, and, I think, absolutely necessary, that you take cognizance of these subjects, and that you memorialize Congress in reference to them, and ask for the adoption of prompt and vigorous measures, which shall quiet the apprehensions of the settlers, and give peace and perfect security to all the border settlements. During the past year we have had no formidable attack or appalling massacres, yet our people have suffered from Indian depredations, and the continual fear of being plundered and murdered by the roving bands of lawless savages who have been prowling around our settlements has been the source of annoyance and alarm to all our citizens. The murder of Judge J. B. Amidon and son, at Sioux Falls, occurring immediately upon the receipt of the news of the first massacre of men, women and children, in Minnesota, very justly alarmed the settlers in that portion of the territory. Knowing their entire inability to protect themselves against any considerable force of Indians with the small detachment of Dakota Cavalry I had stationed there, they wisely concluded to withdraw to the more thickly settled portions of the territory lying upon the Missouri River. After the abandonment of that place the Indians came in and destroyed and burned the town and all the improvements in the surrounding country. Upon the reception of this news of the attack upon Sioux Falls, coupled with the news of a great savage war in Minnesota, and the actual presence of hostile bands in the vicinity of our towns, engaged in plunder and threatening war, a feeling of general alarm naturally spread through the territory, and many of our citizens moved temporarily into Iowa. The settlers on the lower James River were attacked by a mounted force of Minnesota outlaws on the morning of September 6th, but were able to barricade their doors and windows to screen themselves from the bullets of the foe, when the timely arrival of a detachment of Dakota Cavalry that had been stationed near Yankton reached the scene and dispersed the assailants. At Yankton a large stockade was constructed, to which the settlers fled for protection, and the entire population of Bon Homme County took refuge within the enclosure. The territory that had been partially occupied by settlers, from the Big Sioux to Fort Randall, was almost literally depopulated for a number of days, and the ordinary pursuits of the people broken up and demoralized, women and children were hurried off to their eastern friends, while the men remained to care for their few worldly possessions. The fall work of the farmers was necessarily neglected, entailing in the aggregate a large financial loss, which affected all kinds of industry and trade, and produced a general sentiment among all classes of people inimical to the improvement of our farms and settlements, and a serious impediment to immigration. As we have but one military company stationed in the whole district of country between the Big Sioux and Fort Randall, and as this company was divided into several detachments, and could render only very limited protection to our scattered settlements, I issued a proclamation calling for the immediate organization of the entire militia of the territory. Finding, however, that the feeling of insecurity was likely to depopulate some of our counties, I dispatched Lieutenant Kellam, a special messenger, to General Blunt, commanding the Department of Kansas, with letters and a requisition for arms, ammunition and additional troops. Just at this time the Department of the Northwest was created and Dakota was transferred from the Department of Kansas to the Department of the Northwest. Some delay was thus occasioned in the

reception of arms, but as soon as the requisition was forwarded to General Pope he promptly responded to it, and we are now in possession of arms and ammunition sufficient for all our military force. As no troops could be sent to us immediately, I thought it necessary to call into active service a part of our militia, which would tend to restore confidence and give us protection until United States troops could be stationed in our midst.

I would recommend that an act be passed authorizing the auditor of the territory to audit the military accounts of the territory, and to issue warrants sufficient to defray the expense connected with subsisting and paying the militia for the time they have been in actual service; and that, when the amount is ascertained, the Legislature memorialize Congress for an appropriation sufficient to refund to the territory all the expenses incurred by her in providing for the maintenance of the militia force.

The Yankton Sioux and the Ponca Indians, the annuity tribes which are located upon their own reservations in close proximity to our settlements, have remained friendly, and I see no good reason to apprehend any trouble with them, but believe that the same friendly relations will continue with those tribes which heretofore existed. I regret to say that I fear we are to have trouble with the Sioux of the Upper Missouri Agency. They have for some time past been uneasy, restless and dissatisfied with the Government, and disposed to war. The unusual amount of travel during the past year through the region of the country claimed and occupied by the Upper Sioux has excited and alarmed them. The news of new gold fields, of unsurpassed richness, on the Salmon River and the headwaters of the Missouri, has made a highway through a part of this territory never before marked by the footprint of the white man, save an occasional hunter and trapper. The presence of the stranger, and this passage to and fro through their lands, has awakened their jealousy and made them suspicious that they, too, would be crowded from the hunting grounds of their fathers, and be pressed farther west toward the setting sun. Portions of those tribes who are friendly and who desire to remain in peace are becoming intimidated by the more bold and lawless members of their bands, and are fast being won over to the views and feelings of the hostile ones. "Four Bears," one of the friendly Yanktonnais chiefs, was murdered last year by his own people on account of his friendship for the Government. "Bear's Rib," one of the head chiefs of the Ouckpapas, and most devoted friend of the whites, was murdered by members of his own tribe because he opposed any hostility against the United States and consented to still receive the goods brought up for distribution by Mr. Latta, the Indian agent for the Upper Missouri. This year the Mandans, Rees and Gros Ventres, who are the most peaceful of all the upper tribes, though they are not Sioux Indians, were twice attacked in their own village by the Sioux, for the reason that they refused to combine with them to make war on the whites. The Sioux were promised by the Government that so long as they remained at peace, and faithfully observed their treaty stipulations, they should have aid and protection against all hostile tribes. How has this been observed? Experience has taught these friendly disposed Indians and the friendly tribes that the greatest safety is to be found in hostility to the whites, the Government having neglected and failed to give the friendly disposed Indians the promised aid. The hostile Indians embrace a large majority of the tribes of the Upper Missouri, and unless prompt measures are taken to suppress any uprising there, and to punish the hostile bands, we have every reason to expect a combination of all the numerous tribes of Dakota, and a general Indian war of unparalleled proportions and untold ferocity.

We require, for the purpose of giving ample security to our settlements, and to preserve peace throughout our territory, the establishment of three military posts—one at Sioux Falls; one at or near Fort Berthold, now a fur traders' post, and one at or near the fur trading post of Fort Benton. Ample protection to Dakota is protection to Western Minnesota, Northwestern Iowa and Northern Nebraska. When Dakota is left unprotected, then the frontier settlements of Minnesota, Iowa and Nebraska are liable to a repetition of the horrible massacre which last August devastated 200 miles of frontier settlements in Minnesota, and wrought desolation and ruin to hundreds of pioneers in Dakota. This question of protection is vital to all frontier settlements. Without it settlements must recede and not advance; with it, emigration, the hardy pioneer with his ax and plow, will push forward the advanced line of civilization and open up new lands which will furnish happy homes for thousands who are looking to the great Northwest. I take great pleasure in informing you that I now believe that we are to have protection, and that a powerful expedition is now being organized which will visit summary punishment upon all the hostile tribes and teach them a proper respect for, and fear of the authority of, the Federal Government. Major Gen. John Pope, commanding the Department of the Northwest, is fully alive to the interests and the military necessities of his department, and he intends that these Indian difficulties shall be thoroughly attended to. General Pope has created the first military district of his department, which is to embrace Dakota and a portion of Northwestern Iowa, he has assigned to this command Gen. John Cook, of Illinois, one of the heroes of Fort Donelson and Shiloh—an officer whose ability and gallantry in the field are only equalled by his executive talent. The appointment of General Cook to the command of this district is a guarantee of a prompt, vigorous and effective campaign—one which shall either severely punish upon a treacherous foe, give peace to our borders, and create a feeling of security among our people which shall tend to the settlement and development of Dakota. I have said of some length upon our Indian relations, because I consider it a matter of the most vital importance, and one that shall enlist your most hearty cooperation.

At the last session of Congress an appropriation was made for the purpose of defraying the expense of making a treaty with the Chippewa Indians, living on the Red River of the North, and but for the late Indian war in Minnesota this treaty would have been made and that section of our territory opened to white settlement. I trust that treaty may not long be delayed, thereby affording encouragement and protection to the large and remunerative trade already established between that region of country and St. Paul on the Mississippi.

I would again call to your notice some recommendations made in my first message to the Legislature of Dakota. I would urge that Congress be memorialized in reference to a geological survey of the territory; to make Fort Randall the distributing post for supplying the forts to the west of it, and for the establishment of military roads from the Big Sioux River to Fort Randall, and from the Red River of the North to points on the Missouri River at or near Fort Union and Fort Benton. The reasons for these recommendations were given at length in my last message, and it would seem unnecessary to repeat them at this time.

It is not my intention to enlarge to you upon the future of this territory, and discuss the many advantages offered to those desirous of leaving the older states for the purpose of seeking new locations, and participating in the many benefits incident to a young and prosperous territory. Dakota, unsurpassed in soil and climate, and the abundance and variety of her own resources, has already attracted the attention of the whole country, and promises soon to be filled up by a hardy, industrious and intelligent population. With a satisfactory adjustment of Indian affairs, and the end of the rebellion, we shall witness the checked immigration of the past few years again spring up, and soon the rich valleys of the Missouri, the Big Sioux, Dakota, Red River and Niobrara will be crowded with dense settlements, thriving towns and commercial cities.

At the last session of Congress an act was passed authorizing the construction of the Pacific Railroad. The idea of a great central railway across the continent has been a popular one for some years, and has received the approval of the whole country. While this is a great enterprise of public improvement, identified with every interest of the nation, which we in common with others will participate in, yet we have every reason to expect local and immediate benefits to flow from its construction. Sioux City has been very properly designated as the point from which the north branch shall start. We are especially interested in an amendment to the bill as passed, which shall require that this branch shall be located on the north side of the Missouri, and thence up the valley of the Niobrara River to the most practicable point of connection with the main trunk. As the bill will be amended in many particulars at the present session of Congress, I think, with the proper effort, that the amendment which most interests our territory may be carried.

My former message contained several suggestions and recommendations which, under the great pressure of local and general business, were not acted upon by the last Legislature, and as I believe some of them vital to the best interests of the territory, and equally appropriate at the present time, I trust you will give them the attention and consideration that you, in your wisdom, may deem necessary.

I would also most respectfully bespeak your counsel and hearty cooperation in all public measures for the promotion of the general well-being of the territory; and I trust that your deliberations will be harmonious—guided by wisdom and justice. And in conclusion I ask you to join me in the hope that before the coming of another Legislative Assembly in your respective halls the dark clouds of civil and Indian wars, which now overcast our political sky, through the interposition of an overruling Providence, will have been swept away forever, letting in the sunshine of peace, liberty and prosperity upon our once more happy country.

W. JAYNE, Governor.

At the conclusion of the message the joint convention dissolved, and the House proceeded with legislative business, until adjourned.

In the report of the Committee on Elections, regarding Charles Mix County, it is stated that eighty votes were thrown out but no explanation is given. This vote had been disregarded by the territorial board of canvassers, who were satisfied that it was illegal and had been cast by members of the Seventh Iowa Cavalry then stationed at Fort Randall. This committee had the same information that was given to the board.

During the Civil war, which at this time was convulsing the country from center to circumference, great care was taken by the several states and territories to protect their citizen soldiery in their right of franchise. Polls were opened on the tented fields, judges and clerks chosen, and the soldier was permitted to cast his vote for the officers he would have been entitled to vote for if at home; and these votes were carefully canvassed and the returns made to the proper authorities, and such a thing as fraud in these elections was seldom known. The law of Dakota Territory regulating the soldier vote was passed at the first session and formed part of the regular election law. Section 49 provided that

Any citizen of Dakota Territory who is a qualified voter shall not be deprived of his vote because he is in the military service of the United States; Provided, he resided in said territory at the time he enlisted. The officers and privates of any company or part of any company of Dakota Volunteers who are in the military service of the United States shall be permitted to vote at the polls in any authorized district, at any authorized election, for any of the following named officers, to wit: Delegate to Congress and all territorial officers; Provided, such officers or officer are required by law to be elected at such election; but no officer or private of such military company shall be allowed to vote at such election for any precinct or county officers, nor for the member of the Legislative Assembly, unless such volunteer officer or private be in the county in which he resided at the time of his enlistment. In case any company or detachment of Dakota Volunteers in the service of the United States be without the limits of an organized county, or more than five miles distant from an authorized precinct, on the day of an election authorized by law, the officers and privates of any such company or part of company may elect three judges of election, which judges shall appoint two clerks, and the judges shall take and administer such oaths as are required by this act; and the polls shall be opened and conducted in like manner as prescribed in this act for elections in authorized precincts; and when the board shall have been organized as aforesaid, and the polls proclaimed open, all such volunteer officers and privates then present shall be allowed to vote in like manner and for such officers as prescribed in this section, and return shall be made of such election to the secretary of this territory.

On the twenty-fourth day M. H. Somers presented a petition through Representative Wallace, claiming the seat occupied by William Frisbie, from Cole County, which was referred to the Committee on Elections, who reported thereon on the thirty-first day, as follows:

Mr. Speaker: Your Committee on Elections, to whom was referred the contested case of Messrs. Somers and Frisbie, from the first representative district, have had the same under consideration and beg leave to report that Mr. Somers and Mr. Frisbie were opposing candidates for the office of representative in said district. That there were three election precincts in said district or county, to wit: Big Sioux, Elk Point and Brule Creek. That at Big Sioux Precinct Mr. Somers received 22 votes, and Mr. Frisbie, 5 votes; at Elk Point Precinct Mr. Somers received 24 votes, and Mr. Frisbie, 4 votes. Making for Somers at the two precincts, 46 votes, and for Frisbie, 9 votes.

Your committee has had before it a voluminous amount of testimony in regard to the election at Brule Creek Precinct. Very much of this testimony is of such a contradictory character that your committee is embarrassed in arriving at a safe and just conclusion. They can therefore only submit their own common sense view of the case. And it is the opinion of your committee from all the evidence before it that there were not more than thirty legal votes polled at Brule Creek Precinct for the office of representative. It is the opinion of your committee that the votes polled at Big Sioux and Elk Point were strictly legal, and even allowing the entire legal vote cast at Brule Creek to have been in favor of Mr. Frisbie, he could not have received a majority of the votes of said district or of the County of Cole. It is therefore the opinion of your committee that the contestant, M. H. Somers, received a majority of the legal votes of said district or of the County of Cole; therefore, be it

Resolved, That William Frisbie, who now holds a seat on the floor of this house as a member of the first representative district, is not entitled to the same; and be it further

Resolved, That M. H. Somers is entitled to a seat on the floor of this house as representative from the first representative district, and that he be and is hereby admitted to the same.

J. V. BECKMAN, Chairman.
A. J. HARRIS.

The report was adopted and Mr. Somers was sworn in. This closed the contested seat cases for the session, the remainder of the time being wholly given to the work of legislation. And as the House had been working diligently since the joint convention, that body had caught up with the Council, and matters moved along without unpleasant incident to the end. A new apportionment bill was among the most important laws enacted as it increased the membership of the Council to the maximum allowed by the organic act—thirteen councilmen and twenty-four members of the House, twenty-six being the maximum, distributed as follows:

Cole County, the First Legislative District, three councilmen and five House members.

Clay, Lincoln, Deuel, Minnehaha and Brookings, the Second District, three councilmen and six House members.

Yankton and Jayne counties, the Third District, three councilmen and five House members.

Bon Homme and Hutchinson counties, the Fourth District, one councilman and two House members.

Charles Mix and Brughier counties, the Fifth District, one councilman and two House members.

Todd and Gregory, the Third District, one councilman and two House members.

Kittson, Chippewa, Stevens and Cheyenne counties, Red River, the Seventh District, one councilman and two House members.

The Legislature adjourned on the 9th of January, 1863, after an exciting session of forty days. The apportionment bill was very unsatisfactory to the Red River members, who claimed to have the largest vote of any district, and was also unpopular with the Bon Homme delegation. It would seem to have been the outcome of a combination in which Union, Clay, Yankton, Charles Mix joined, voting population and political predilections being entirely ignored.

A number of wholesome laws were passed at this session, including an entire criminal and justice's code, and a law authorizing and prescribing a territorial seal. Congress was memorialized regarding military posts; additional troops for the protection of the settlements; for roads; bridges; mail routes; land endowment for the university, and other needs of the territory.

It cannot be said that all was peace and good will among the members at the close. The session had been one of constant friction in the House, and the partisans of the two congressmen were apparently much more zealous and defiant than before the session. A full year and more would elapse before Congress would act upon the contest, and in the meantime the scandals growing out of the election of 1862 were enough to keep the public mind in a disturbed and antagonistic condition. It was evident too that a serious division among the leading republicans was imminent, growing out of the election frauds and personal ambitions and the control of Federal patronage.

It would seem that these election frauds were largely the outgrowth of the Indian troubles, and the excitement they produced at the time the election was held, when a number of lawless and unscrupulous characters took advantage of the prevailing confusion and undertook to advance their personal interests by corrupting the ballot box. It is gratifying to know that, in nearly every instance, they failed to secure any advantage from their lawless proceedings.

THE GREAT SEAL

At the session of the Legislature of 1862-63 a law was enacted establishing a great seal for the Territory of Dakota. The bill was introduced in the Council by Hon. John Shober, of Bon Homme County, and became a law without opposition.

An act to establish a seal for the Territory of Dakota.

Be it enacted by the Legislative Assembly of the Territory of Dakota:

Section 1. That the following described seal is hereby declared to be and is hereby constituted the great seal of Dakota Territory, to wit: A tree in the open field, the trunk of which is surrounded by a bundle of rods, bound with three bands; on the right plow, anvil, sledge, rake and fork; on the left, bow crossed with three arrows; Indian on horseback pursuing a buffalo toward the setting sun; foliage of the tree arched by half circle of thirteen stars, surrounded by the motto: "Liberty and Union, one and inseparable, now and forever," the words "Great Seal" at the top, and at the bottom, "Dakota Territory; on the left, "March 2;" on the right, "1861." Seal 2½ inches in diameter.

Sec. 2. This act to take effect from and after its passage and approval by the governor.

Approved, January 3, 1863.

SKETCHES OF RED RIVER LEGISLATORS, 1862-63

James McFetridge, who represented the Red River of the North country in the Council of this second session, was the lineal descendant of an ancient and honorable Scotch family, which figures conspicuously in the history of the beau-



LYTLE M. GRIFFITH
First carpenter in Dakota



CHARLES H. BATES
United States deputy surveyor,
1870, and later



CHARLES E. GALPIN
Indian trader and husband of
Mrs. Picotte



MARTIN J. LEWIS
Vermillion, 1869



A. M. ENGLISH
Orderly sergeant Company A,
Dakota cavalry



HUGH S. DONALDSON
First Legislative Representative
from the Red River of the
North, 1862

tiful, but ill-fated Queen Mary. He was a native of Canada, where several branches of that name had emigrated. His childhood and early youth were spent in that country, under the glorious and happy reign of Queen Victoria. In 1849 he removed to Minnesota and resided in that territory, engaged in successful business, until President Pierce appointed him collector of the port of Pembina, in 1854. He retained that position until superseded in 1861 by Norman Kitson, appointed by Mr. Lincoln. In 1861 Mr. McFetridge was elected councilman from the Red River District of the Legislative Assembly of Dakota, but W. W. Brookings, of Sioux Falls, held the certificate from that district, and had been given the seat before Mr. McFetridge reached the territorial capital, and for reasons of policy Mr. McFetridge did not contest; but a special law was enacted at the same session giving the Red River a separate council and representative district, and Mr. McFetridge was again chosen and took his seat at the opening of the second session. In 1862 McFetridge was a democrat, but politics cut little figure in the Legislature of that early day. He proved to be an excellent member and promoted such legislation as the times demanded, and sought to secure through the Legislature the opening up of the Red River Valley to white settlement through a treaty that would transfer the title to the lands from the Chippewa Indian nation to the Government. Prior to the organization of Dakota, Mr. McFetridge had labored to secure a separate organization for the northern part of the territory to be called Chippewa. He was highly respected by his fellow members, and in a general way cheerfully performed his duties, serving the interests of the Missouri slope as heartily as those of his district, though stoutly affirming that there was little of mutual interest to justify the binding of them together in one political organization.

The law granting a legislative district to the Red River country was repealed at the third session of the Legislature, and the Red River remained without representation until 1867, when Mr. Stutsman was sent down as the first representative, but it had no representation in the Council until four years later, when Mr. Stutsman was chosen as the first member to that body from that district.

Hugh Stuart Donaldson was a native of Canada and came to Minnesota about the year 1850. He pursued the business of land dealer and agent until the year 1857, when he removed to the Red River of the North, having received the appointment of postmaster at Pembina, Dakota, from President Buchanan, which office he held until the appointment of his successor by Mr. Lincoln.

Mr. Donaldson was chosen the first representative from the Red River District, in 1861, under the governor's proclamation, representing all the territory above the head of the Red River of the North, and was reelected in 1862. He served his constituents with signal success during the first session, and by patient effort and prudent management, secured the passage of the only apportionment law enacted at the first session which gave to his region a separate council district and doubled the membership of his representative district.

Mr. Donaldson was uniformly courteous and painstaking in his legislative work, giving patient study to every matter of legislation before him and voting conscientiously. He was both a prominent and influential member.

Mr. Donaldson was not hasty in adopting an opinion or coming to a conclusion, but once he became settled in his convictions, it was a difficult matter to get him to reconsider. There must have been some of the stubbornness of the Scotch in his make-up. He would never yield until voted out—beaten but not conquered—but was good natured, as much so in defeat as in victory, hence he was popular with his fellows. He was a democrat of the old school, and wavered not a jot, and enjoyed political debate. The Civil war was on, and the only test was the question, "Do you favor the Union?" Donaldson was plainly for the Government of the United States, but it was evident that the political discussions on the international boundary line were carried on with a wider latitude for opinion than was patiently tolerated among the white people East and South. Mr. Donaldson was a man of enterprise, earnest and intelligent in his views regarding what

should be done to advance the interests of Dakota, and first of all, as everyone agreed, adopt measures to bring population to the territory, and farmers preferred.

Mr. Donaldson removed to Winnipeg a few years later, and identified himself with the business interests of that city, achieving moderate success.

Joseph Yardley Buckman, one of the representatives of Kittson County, was of "Broadbrim" origin. Both his father's and mother's ancestors were associates of William Penn, the famous Quaker, and were in the council with him when was consummated one of the most notable treaties ever made between the white race and the Indians of North America.

The Buckmans and the Yardleys are not only one of the earliest, but of the most respectable and prolific families of the old Pennsylvania colony. They are today numerously represented throughout that commonwealth, and their descendants may be found in many sections of our common country.

Joseph, the subject of this sketch, was born in Bucks County, Pennsylvania, in 1833, and remained in his native state, on the farm, at school, and in the counting room, until twenty-two years of age, when in the spring of 1855 he removed to Minnesota. He resided at St. Paul and Superior City during the real estate inflation of 1855, 1856 and 1857. In 1860 he removed to Pembina, Dakota, and at the commencement of Mr. Lincoln's administration as President, he was appointed postmaster at Pembina, which office he was holding at the time this sketch was written, 1862-63. At the territorial election in 1862 Mr. Buckman was chosen one of the representatives from the Red River District. He took his seat at the beginning of the session, and though for the first time a member of a legislative body, he aptly invested himself with the habit and form of a legislator, and had throughout discharged his obligations with wise discernment and sound judgment.

Mr. Buckman was a republican, and an honest Quaker in his faith, yet unselfish in action and catholic in his belief. Intelligent, kind-hearted and liberal, he was both companion and friend. Lively and mirthful, his rubicund visage always gratefully welcomes whatever will produce good cheer.

Dakota's first general election under the statutes, which occurred on Monday, the first day of September, 1862, was marked by gross frauds and irregularities in one-third of the election precincts of the territory. These were the precincts of Brule Creek in Cole County, Bon Homme, Charles Mix and alleged also at the Red River polls. The election occurred just at the beginning of the great excitement growing out of the Indian hostilities of that year, and the public disorder and alarm attendant upon the period of anxiety gave opportunity and possibly suggested the scandalous occurrences at the precincts mentioned, with the exception of those on Red River. These frauds furnished ground for a contest before Congress for the right to a seat in the House. The territorial board of canvassers having found from the returns that a majority of the legal votes were cast for Gov. William Jayne, had awarded him the certificate. General Todd thereupon declared his purpose to contest, and served notice of such intention upon the governor, November 17, 1862, stating that he would begin the taking of testimony before Judge Bliss at the office of Attorney General Gleason at Yankton on January 6, 1863. The Legislature was in session at Yankton during December and the early part of January, and the lower House had been engaged in settling the contested cases of members from disputed counties for nearly one-half its term. The testimony that had been adduced before the legislative committees was the same as that taken before Judge Bliss in the delegate contest. First was the evidence of Thaddeus Andrews, one of the judges of election at the Brule Creek precinct. This election, it will be understood, was before the day of the Australian ballot, when the election ballots were furnished by the committee of the different political parties, and were given out in quantities before election, to whoever wanted them. Any person was also privileged to write or print tickets, selecting his own candidates if he so preferred.

My name is Thaddeus Andrews; I reside at Brule Creek, Cole County, Dakota Territory. I was present at the election held at the Brule Creek Precinct on the 1st day of September, 1862. I was one of the judges of election at said precinct.

First interrogatory: Were the judges of election and clerk sworn at said election?

(Witness refuses to answer.)

The polls were opened at said election at the house of A. R. Phillips, at Brule Creek aforesaid. They were opened at 9 o'clock in the morning of the 1st day of September, 1862. The judges and clerks were present at said election. One of the judges who were appointed by the commissioners refused to serve, and A. R. Phillips nominated Milton M. Rich, who was elected by the persons present in the house. I do not recollect the number present; I think there were about forty votes cast during the day, after the polls were opened at 9 o'clock A. M.

Second interrogatory: Was the ballot box opened and examined before the voting commenced, after the polls were opened at 9 o'clock on said day?

(Witness refuses to answer.)

I should think there were ballots in the ballot box before the voting commenced after the polls were opened; there were about thirty ballots in the ballot box before the polls were opened. I cannot tell for whom the ballots were cast, but I suppose they were cast for William Jayne for delegate to Congress. They were cast for the south half of the northeast quarter of Section No. 29, Township 92 North for county seat. These ballots were put in the ballot box by some person; I am unable to state by whom. The ballots were put in between Sunday evening and 9 o'clock Monday morning; I think about 3 o'clock Monday morning. I think they were put in at A. R. Phillips' house, but I am not sure that that was the place. I was present at the time they were put in; there were quite a number around while this was going on.

Third interrogatory: Do you know that those ballots were put in the ballot box at the house of Timothy Andrews?

(Witness refuses to answer.)

I cannot state whether the ballots that were in the ballot box when the voting commenced were all put in by one man or not. The polls were closed and we commenced canvassing the votes publicly. We counted all the ballots in the ballot box. We found that the number of ballots in the ballot box did not agree with the number of names on the poll list. There were six ballots more in the ballot box than there were names on the poll list. Six ballots were then picked out from the top of the ballots in the box, which were destroyed; the remainder of the ballots we then canvassed, and returned them to the office of the clerk of the Board of County Commissioners of Cole County. The names of persons voting during the day were taken down by the clerk of the election. There are names of persons on the poll list who did not vote during election day. I think there are about thirty names on the list who did not vote.

Fourth interrogatory: How came those names on the poll list?

(Witness refuses to answer.)

One of the poll lists was returned to the clerk of the board of county commissioners. The clerks of the election were Mahlon Gore and William C. Butts. The judges were myself, A. R. Phillips and Milton M. Rich.

THADDEUS ANDREWS.

Other witnesses testified corroborating Mr. Andrews.

In the Bon Homme precinct the testimony was the same as that reported by the elections committee of the Territorial House and will be found under the legislative proceedings of 1862-63.

In Charles Mix County the evidence showed that 145 votes were cast, 138 for Jayne and seven for Todd. Of this number there were from sixty-five to seventy-five votes cast by Iowa soldiers stationed at Fort Randall as proven by the poll list.

This concluded the proceedings before Judge Bliss at Yankton. Sixty days was the time allowed by law for the taking of testimony and this period expired on the 16th of January, 1863, but notwithstanding the expiration of the time, the contestant received notice that the deposition of Joseph Y. Buckman, regarding the vote on Red River, would be taken before Hon. W. F. Purcell, judge of the Orphans Court in the District of Columbia, March 11, 1863. At this time both parties appeared, General Todd under protest, objecting that the judge had no jurisdiction.

Mr. Buckman testified in substance that he had been an Indian trader and postmaster at Pembina for several years; that he did not think there were more than ten to twelve white persons present on the day of election; that of these there were three who claimed to be native born citizens and three others who claimed to be naturalized citizens, and more who had declared their intentions to become citizens. He testified that there were forty-six or forty-eight votes cast for de-

gate at the election; that the excess over the number of legal voters present was cast by illegal voters, mostly half-breeds, and that there were added to the votes cast, after the close of the polls, a little over one hundred votes, and that Charles Morneau, who was clerk of the board of county commissioners and who signed and sent the certificate to the secretary of the territory, was present at the election.

Congress not being in session at the time the taking of the testimony was concluded, the matter went over until the next session which began in December, 1863. Neither of the parties were given a seat until January 14, 1864, when Mr. Davis, from the committee on elections, reported a resolution giving the seat to Mr. Jayne, on the ground that he held the legal certificate from the governor of Dakota, without prejudice to General Todd's claims.

The matter was given investigation quite thoroughly by the congressional Committee on Elections, of which Mr. Davis was chairman. The majority of this committee submitted a report May 24, 1864, which was ordered to be printed; and on the 1st of June following a minority report was also submitted. On the 18th of June the matter came before the House for final action. The majority report recommended the exclusion of Buckman's testimony on the ground that it was not taken within the time prescribed by law. It also threw out the vote of Bon Homme County entirely, stigmatizing the election proceedings as disgraceful. The report found as follows:

The official canvass of the territorial board of canvassers stated the result to be:

For Wm. Jayne.....	237	For J. B. S. Todd.....	221
Add Charles Mix County.....	72	For J. B. S. Todd.....	7
Add Kitson County, Red River.....	19	For J. B. S. Todd.....	125
	<hr/>		<hr/>
	328		353
Deduct Yankton non-residents	9	J. B. S. (Brule).....	8
Deduct Brule Precinct.....	63		<hr/>
	72		344
	<hr/>		
	256		

Giving General Todd a majority of eighty-eight votes, and the committee recommend the adoption of the following resolutions:

Resolved, That William Jayne is not entitled to a seat in this House as a delegate from the Territory of Dakota in the Thirty-eighth Congress.

Resolved, That J. B. S. Todd is entitled to a seat in the House as a delegate from Dakota to the Thirty-eighth Congress.

Congress finally reached a vote on the report and resolutions June 18, 1864, by which the first resolution was adopted by a vote of sixty-four to thirty-one, eighty six members not voting. Thereupon General Todd was sworn in, and the matter was settled.

The minority report objected to counting the vote of the Red River precincts, contending that the census returns of the year before showed but forty-two white males in the whole Red River country over the age of twenty-one, and these were all residents on lands to which the Indian title had not been extinguished. There had been no emigration to that country, for emigrants would not be permitted to settle on Indian lands. The testimony of Buckman was also presented, and a strong argument made for throwing out the Red River vote entirely. This report was not acted upon.

The votes thrown out from those cast at the Yankton precinct were those of D. T. Fessenden, C. Fessenden, A. B. Wood, J. Mellin, Albert Mellin, who were in Dakota temporarily as United States deputy surveyors and returned to Michigan after the election; also G. W. Lamson, of the surveyor general's office, who left the territory right after the election and whose family resided in Michigan; also George N. Propper, who had not resided in the territory six months prior to election, and also P. C. Conway of Company A, Dakota Cavalry, whose residence at the time of enlistment was at St. Johns, Nebraska.

In answering the position of Mr. Jayne regarding the Indian title to the land in the Red River country, the majority report contended that the sitting member was mistaken in his construction of the law, found in the first section of the organic act, which says:

Provided, That nothing in this act contained shall be construed to impair the right of persons or property now pertaining to the Indians in said territory, so long as such right shall remain unextinguished by treaty between the United States and such Indians, or to include any territory which by treaty with any Indian tribe is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any state or territory; but all such territory shall be excepted out of the boundaries and form no part of the Territory of Dakota, until said tribe shall signify their assent to the President of the United States.

It is apparent, upon reading the proviso, that the territory which it is therein provided shall be set apart for any particular tribe of Indians, and thereby to be excepted out of the limits of the territory, is that which is set apart by treaty with any particular tribe, and is so excepted by the treaty itself. It does not apply to any portion of the territory upon which Indians may happen to live, but only such portions as are held by particular tribes under and by virtue of treaties defining boundaries, and stipulating for exclusive jurisdiction to be exercised by the tribes holding them. No such treaty existed covering any portion of the precinct under consideration and therefore the vote cast there cannot for this reason be excluded.

As bearing upon the voting population of the Red River country:

In 1867 Hon. M. K. Armstrong had occasion to visit the Red River region for the purpose of prosecuting the survey of a body of lands which had recently been ceded to the Government by the Chippewa Indians. Mr. Armstrong was present at the election held in the St. Joseph precinct October 8th, regarding which he wrote as follows: "Today I have witnessed one of the famous 'Red River elections.' I came in late last night from my line nine miles back in the woods to witness the show today. Here you will remember is the country where in the early days of Jo Rolette and Minnesota Territory, the balance of power was weighed and never found wanting. Two hundred and fifty votes were polled today at St. Joseph, mostly all in the morning before I reached the polls, and about thirty at Pembina." This would indicate something of the reckless manner in which elections had been conducted during the time of the Jayne and Todd election.

This action of the House gave the seat to General Todd and the incident was officially closed; but occurring as it did in the midst of the preliminary campaign of 1864, between Burleigh and Bliss, it had a very important bearing on that contest, as well as in the subsequent attitude of General Todd. Intelligence of the decision in favor of Todd was received at Yankton about the 21st of June. It was very cordially welcomed by the democrats and the insurgent republicans; while the regular republicans as they were called were obliged to accept it without protest or indignation because it had been the verdict of a House of Representatives in which their own party was very largely in the majority. The proceedings and testimony of the contest were published in pamphlets and newspapers and later distributed among the Dakota people as a campaign document.

Dr. William Jayne, the first governor of Dakota Territory, was born in Springfield, Illinois, in the year 1824, and was therefore thirty-seven years old when appointed governor. He had been a prominent physician in Springfield and Sangamon County for several years, and was the family physician of President Lincoln. Doctor Jayne had taken an active part in political affairs prior to the formation of the republican party and was allied with the free soil wing of the old whig party with which Mr. Lincoln was affiliated and one of its ablest and most prominent leaders. He doubtless owed his appointment to his personal acquaintance with the President, aided by good abilities, excellent character, and the agreement of his political views with those of the dominant party. It would appear that Mr. Jayne did not seem inclined to enter upon and pursue a pioneer career in Dakota; but during his brief administration, a large portion of which was covered by Dakota's most serious Indian troubles, he labored earnestly for

the accomplishment of whatever would promote the welfare of the people and the territory. As the record shows, the election at which he was a candidate for delegate to Congress, was held amidst a general alarm and great excitement caused by a hostile uprising of the Indians, and the opportunity for fraudulent voting was seized upon by unscrupulous parties to promote local interests and pursue ends. However, he was the accredited delegate from Dakota, and held his seat until Congress decided that his opponent was entitled to it. He then returned to Springfield where he resumed his medical practice and his activity in political affairs. He has since been chosen mayor of that thriving state capital for three terms and has been a zealous friend and promoter of the humanitarian institutions of that state, and is now at the ripe age of eighty-one, a member of the State Board of Charities and Corrections.

The dominant party in the Legislature of 1862-63, having an earnest sympathy with Governor Jayne in the contest that had been instituted by General Todd for the position of delegate in Congress, which contest was then pending, made an examination of the election returns of 1862, the proceedings of the canvassing board, composed of Judge Bliss and Secretary Hutchinson, and also of the records of the secretary's office, and embodied the result of their examination in a report, which was duly adopted by both houses and authenticated, and sent forward to the speaker of the House of Representatives. The report, in addition to giving the result of the canvas as made by the board shortly after the election, which resulted favorably to Jayne and gave him the certificate, dealt with some official statements that had afterwards been given to Todd, criticizing and reflecting severely upon both canvassers, who were now (in 1863) in open opposition to the Jayne faction. The aggrieved gentlemen, in order to combat the influence of the legislative document, made a statement to Congress, which is here given:

To the House of Representatives of the United States:

The undersigned, chief justice and secretary of the Territory of Dakota, and canvassers of the vote of 1862 for delegate to Congress and territorial treasurer and auditor, respectfully represent: That the Legislative Assembly of the territory, just closed, has passed a joint resolution relative to our action as canvassers of said vote on the 21st of October, 1862, which resolution, we are informed, has been forwarded to your honorable body, attested by the principal officers of the said Assembly. We have thus far refrained from taking any formal notice of the unfriendly criticism passed upon our action, but this recent *ex parte* declaration of the lawmaking body, under the spur of disgraceful partisanship, compels us, in our own defense (and not for the purpose of influencing the action of your honorable body in the contest from this territory now pending before you), to make the following statement:

First, while we regard the supervision of our proceedings as impertinent intermeddling and entirely foreign to the duties of the Legislature, we might charitably respect their action as an honest desire to represent popular sentiment were we not aware that the reverse is the case most emphatically and justly, because in those counties where those members who voted for said resolution were elected the dominant issue was the repudiation of the ballot box stuffing which disgraced the election of 1862, and these representatives would not have been chosen had they made their campaign upon the joint resolution which is the subject of this statement.

Second, The proceedings of the canvassing board were carefully considered, with a desire to do justice, rebuke fraud, and protect Dakota from the evils which illegal voting give birth to, and preserve its reputation from the contamination that has besmirched the exercise of the elective franchise in other political divisions of the West. We also felt that the honor of the republican party, to some extent, depended upon our action, and its future influence in these new communities would be aided or hindered by the manner in which we discharged this duty, doubly important because it was the first election held under the laws of the new territory. We had voted for and desired the election of Governor Jayne as delegate, but we desired more than this to protect him from the dishonor of schemes principally concocted by or through the agency of Buchanan democrats, whom the governor had admitted to his confidence to the exclusion of his own party friends. The law provides that the board shall canvass, that is, look into, the count of votes as returned by the county officials. We had unofficial information of an authentic character that gross frauds had been committed, but we had no means of examining and taking the testimony of individual voters, and therefore determined to hear testimony in relation to the election in the several precincts; and if its general character and conduct was intentionally and scandalously fraudulent, we would consider the poll of that precinct so badly tainted as to justify us in rejecting the returns

sent us. It was a matter of regret that we had not the authority and the means to separate the honest vote from that which was fraudulent; but in the absence of that power felt it our duty, when the aggregate vote largely outnumbered the number of votes in the precinct, to treat the whole poll as fraudulent. We were confirmed in this position by our own experience and that of our political friends during the first election in Kansas Territory. Both the canvassers, one in Kansas and the other in Washington, had been active participants in the exciting events that to some extent initiated the present rebellion, and had been made aware of the dangerous advantage a lawless body of men could gain by the perpetration of a successful fraud upon the ballot box, and felt no hesitation in applying the precedent established then to destroy the fruits of illegal voting and ballot box stuffing to this election, though greatly regretting the necessity which impelled us to the exercise of such authority. Our canvass was public and the rules we had adopted were publicly announced. Evidence was offered and received by us in the cases of Charles Mix and Bon Homme County precincts. In the case of Charles Mix it was shown that about one hundred Iowa soldiers, stationed at Fort Randall, were given permission to go across the Missouri River on election day, for the ostensible purpose of gathering plums. That they did so cross the river, and divided in small parties and went to the polls in Charles Mix County and voted. Some rowdyish conduct was also proven.

In the investigation we learned to our satisfaction that at least two-thirds of the entire vote of the precinct was cast by the Iowa soldiers, who were not citizens of the territory. The attention of Candidate Jayne was called to this testimony, he being present as well as his opponent, General Todd. Governor Jayne was informed that the board would give him time to offer evidence in rebuttal, when he replied that he thought Iowa soldiers had a right to vote. The law expressly provides "that no soldier, officer or private, other than those who resided in the territory prior to and at the time of their enlistment in the army, shall be entitled to vote at the elections in this territory." Being convinced of the grossly illegal character of this Charles Mix County vote, the board of canvassers rejected it.

In regard to the returns from the County of Bon Homme, which the joint resolution charges, though incorrectly, as having been counted by the board, testimony was given by the friends of Candidate Jayne to the effect that the vote returned to the board was not the vote that was cast during the hours appointed by the law for the polls to remain open; but after the close of the poll in the evening the ballot box was forcibly taken from the judges, the ballots destroyed, and a second election held, at which the votes returned to the board were polled. In rebuttal of this statement was the evidence offered on behalf of Candidate Todd that no force was used, but a new polling was demanded by the supporters of Todd on the ground that at the count of the ballots by the judges, after the regular poll was closed, but thirteen of the thirty-nine ballots found in the box were in favor of Todd for delegate, while twenty-six of the thirty-nine persons who voted declared that they had voted for him. That the ballot box had been in the possession of his enemies during the recess at noon, and they were charged with changing the ballots. The board held that, even admitting the claim that the ballots had been changed, the election held after the closing of the polls was of no effect and not the lawful remedy, and therefore rejected the entire vote of that precinct.

The return from the Brule Creek Precinct in Cole County, which was the only county, excepting Kitson on Red River, where there was more than one precinct, was not returned to the board with the returns made from the other precincts from that county. The claim was made by Candidate Todd that the Brule Creek return was grossly fraudulent, in that a majority of the ballots for his opponent were put into the ballot box the night before the election by minors and non-residents, and he requested time to obtain the evidence which would support the protest. We declined to extend him this privilege, as we considered that he already had had ample time to secure his evidence, and because we did not then believe the reports regarding that precinct which subsequent developments have brought to light. Candidate Todd also requested the board to adjourn its final action one month in order that the returns from the Red River precincts might be secured, averring that the delay in the reception of that return was probably due to the Minnesota Indian troubles. This request was refused, our interpretation of the law being that the requirement "to proceed to canvass" made it the duty of the board to continue in session until the work was completed. We did, however, adjourn from day to day, for several days, when, not receiving the Red River returns, nor any word concerning them, we closed the canvass and declared the result.

We believe your honorable body will decide the case between these Dakota contestants according to law and arithmetic. The Dakota people are industrious, loyal, and honest—saving the very few who have engaged in these schemes to vitiate the ballot box for personal ends. It is not a matter of vital importance to Dakota Territory which of the two gentlemen claiming the seat in Congress shall succeed, but it is of the first importance that the decision of Congress shall be founded in law and justice. This is what the loyal and law-abiding people of Dakota demand and all they ask for. The honor of the national administration is somewhat at stake. The integrity of our newly born republican party is on trial. Dakota has been overrun and almost depopulated by hostile Indians on one side, but more virulently assailed by unscrupulous politicians on the other. We have confidence that your action will vindicate the right and place the stamp of disapproval emphatically upon ballot box corruption.

JOHN H. HUNTER,
PHILEAS B.

CHAPTER XXVI

THE INDIAN CAMPAIGN OF 1863—SIBLEY

INDIAN CAMPAIGN OF 1863, PLANNED BY MAJOR-GENERAL POPE—GENERAL SIBLEY, WITH MINNESOTA TROOPS, CROSSES CENTRAL DAKOTA PLAINS—GENERAL SULLY MARCHES UP THE MISSOURI VALLEY—SIBLEY'S FORCES, EQUIPMENT AND DIFFICULTIES—A DRY SEASON—SIBLEY DEFEATS HOSTILES IN THREE BATTLES; INDIANS DRIVEN WEST OF THE MISSOURI RIVER—HIS RETURN MARCH—OFFICIAL REPORT—ERRONEOUS OPINION OF NORTHERN PART OF THE TERRITORY—INDIANS KILL AN INDIAN—TREATY BETWEEN YANKTONS AND PONCAS.

The military campaign of 1863 was planned by Major General Pope, with headquarters at Milwaukee. His department was called the Military Department of the Northwest. In brief his plan was:

1. General Sibley, of Minnesota, with a force of 4,000 troops to pursue a northwest course crossing from Minnesota into Dakota at Big Stone Lake, where it was expected he would find the hostiles and bring them to battle, and if not could drive them to the Missouri River, where

2. General Sully with a force nearly equal but chiefly cavalry, was ordered to keep along the left bank of the Missouri River and intercept any communication between the Little Crow forces and the Sioux west of the Missouri, known generally as Tetons. Sully's troops were to be mainly supplied by steamboats keeping along with his army and guarded by a force of infantry.

General Sibley got away from Fort Ridgely near the head of the Minnesota River, about the 1st of July. His force consisted of the Sixth, Seventh and Tenth Minnesota Infantry, one regiment of mounted riflemen enlisted for the Indian war only, and the Third Minnesota Battery. He was accompanied by a train of 250 teams carrying supplies. The march across the plains of North Dakota was attended with many difficulties, caused principally by the extreme drouth which had deprived the plains of their customary covering of nutritious grasses, while many of the smaller streams had dried up completely. The Indians had retired well toward the Missouri taking a southwest direction from Devil's Lake, evidently aiming to cross opposite the mouth of Heart River, a favorite valley with the savages, should they find themselves outmatched by the troops, and Sibley came up with them on the 24th of July about thirty miles from the river.

BATTLE OF BUFFALO LAKE

The enemy had planned to invite Sibley and his officers to a council under a promise to make peace, and while thus engaged to fall upon them and massacre the whole party. One of Sibley's half-breed scouts learned of this from a Sisseton relative and notified him. In confirmation of this plot, a number of the hostiles by gestures and fine words secured the attention of a number of the scouts, and conveyed to them their strong desire for peace and their willingness to become friendly with the "Great Father" and abandon the war. While this was transpiring, Surgeon Weiser, in full uniform, rode up to the council and joined the scouts. A few minutes later a shot was heard and great confusion was observed in the council. The Indians were retreating and the scouts were



GENERAL H. H. SIBLEY

Commander of expedition from Minnesota against hostile Indians in
Northern Dakota in 1863

flying back to the main body. It seems that a young Indian, observing Surgeon Weiser's glittering uniform, supposed he was the commander, and in his eagerness to commence the slaughter, shot the surgeon through the heart. This was the signal for a battle.

A general engagement followed, the Indians commencing the attack behind the shelter of the surrounding ridges. They were dislodged by the Mounted Rangers and the battery and retreated for several miles, fighting and retreating alternately, until finally they broke and fled in apparent confusion. Alonzo G. Edgerton, afterward chief justice of Dakota, was a captain in the Tenth Minnesota, and his company was one of the first to be engaged at the opening of the fight. Hon. Abe Van Osdel, of Mission Hill, was a member of the Mounted Rangers and participated in this campaign, a full account of which from his observation, he has given to the public through the press. The battle now raged for hours, the Indians fighting from behind the ridges and gradually falling back, until late in the evening when they appeared to have broken up in disorder and hastily retreated, pursued by the troops until dark. An order to bivouac was then given, but was mistaken for an order to return, and the entire night was consumed by the advance in picking their way back to camp, which they reached just at daylight and just as Sibley was about to move forward to their support. The vanguard of the Indians had reached the Missouri River in the evening of the 24th and the squaws and papooses had been sent across to the west bank. Owing to the fatigue of a portion of the troops who had made the all night return march, Sibley did not move forward until the 26th, when he found the Indian camp of the 24th deserted; but there and for miles beyond the prairie was strewn with dried buffalo meat, tallow, cooking utensils and buffalo robes, which were collected and burned by the troops. After a march of twelve miles the army reached Dead Buffalo Lake and went into camp. Indians began to appear in large numbers soon after and the troops were thrown out to meet them. The enemy had been reinforced since the first fight, and every effort was made to divide Sibley's forces with the intention of falling upon them by piecemeal. Sibley was too wise to be caught in a trap of this kind. Another running and halting fight similar to that of the 24th was the result, the Indians keeping well out of the way, and darkness fell upon the troops still in pursuit, who bivouacked in the field, and in the early morning of the 28th the battle was resumed.

The Indians, about two thousand strong, came over the hills soon after day-break and advanced to attack. They came so near that they were overheard to say "we are too late; they are ready for us," showing that they had expected to surprise the camp. A scout overheard another Indian shouting, "remember our wives and families; we must not let them get them." The Tenth Minnesota was the first to receive the shock of battle, and the Indians spread out on the right and left outflanking the regiment at both extremes. The firing was very spirited and Sibley's train of supplies which just began moving from the corral was in danger. The Tenth was called back when the Indians made a dash for the rear of the troops but were met with such a galling fire from the battery that they were compelled to abandon their project and retire. This was a close call for the destruction of Sibley's army, and the utmost caution and good generalship became necessary to get in shape for further operations. Finally the Sixth Regiment with a battalion of cavalry held the center and deploying to the right successfully resisted the onslaught from that quarter, while the left wing of the Sixth stretched out toward Dead Buffalo Lake, completely baffling the tactics of the enemy. The troops then moved forward driving the savages before them, and soon turning their retreat into a rout. The Indians struck for the river, passing through a heavy skirt of timber. Sibley followed but before entering the woods, ordered the battery and the Tenth Regiment to clear the timber of the enemy. In the meantime the Indians had reached the river, and tumbling into their light canoes, had made their way to the opposite shore where they ranged

up fifteen hundred to two thousand strong and greeted the soldiers when they appeared with a storm of bullets, but at too long a range to be at all dangerous. This ended Sibley's three days' fight without definite results. The Indians had lost a large number in killed and wounded, and an immense quantity of supplies and tepees. Sibley's losses were slight, four killed, two of whom were led astray by taking a wrong trail and were shot down and scalped. One of these was Lieutenant Beever, aid-de-camp to General Sibley, who had been sent forward with orders to General Crooks. Another was Private Nicholas Miller, Company K, Sixth Regiment. A stroke of lightning killed Private John Murphy of Company B, Eighth Cavalry. One wounded Indian tried to escape by seizing the horse's tail but the pony got a shot that disabled him. John Platt, private, of Company L, dashed out to finish the Indian with his revolver but his weapon missed fire and before he could check his horse he was upon the Indian, who had reserved a shot in his gun which he fired into the thigh and bowels of Platt, inflicting fatal wounds. Joe Campbell, one of the scouts, tried to save Platt, but too late. Campbell's shot was fired at the same instant that the Indian fired the fatal shot at Platt and went through the savage and killed him. The Indians in many instances fought desperately. One stalwart warrior with an American flag wrapped around him fired twice while the cavalry were within twenty rods charging upon him, his balls taking effect in the saddle and overcoat of two of the cavalymen. He got the powder in his gun, but not the ball, for a third shot, which he discharged at the heart of one of the soldiers, but did not injure him. The Indian then clubbed his gun and struck one of the troopers, nearly throwing him out of the saddle. A dozen shots from as many carbines struck him at this moment, but did not kill him, and the resolute brave had to be sabered in order to dispatch him.

General Sibley's part in the campaign terminated when he reached the river. He had no facilities for crossing the stream, and his supplies and ammunition were getting low; he therefore set out without delay on his return to Minnesota. He had not been able to gain a decisive victory, but he had weakened the enemy by destroying his camp equipments, a large store of provisions and buffalo robes, and no doubt had impressed upon them the utter futility of their strength and prowess when brought in contact with the pale face soldiers. The Indian loss in killed and wounded had been considerable, but their custom of carrying their slain and injured comrades from the field makes it impossible to tell how serious their losses were.

It is not clear that Sibley knew anything of the whereabouts of General Sully, who at the time Sibley was chasing the Sioux was holding his command near Fort Pierre awaiting the arrival of supplies which were toiling slowly up the river on steamboats.

Sibley in his report, speaking of the country traversed, says:

The region traversed by my column between the crossing of the Cheyenne River (a tributary of Red River) and the coteau of the Missouri, is for the most part uninhabitable. If the devil were permitted to select a residence upon the earth, he would probably choose this particular district for an abode with the redskin murdering and plundering bands as his ready ministers to verify by their ruthless deeds his diabolical hate to all who belong to a Christian race. Through the vast desert, lakes fair to the eye abound, but generally their waters are strongly alkaline, or intensely bitter or brackish. The valleys between them frequently reek with sulphurous and other disagreeable vapors. The heat was so intolerable that the earth was like a heated furnace, and the breezes that swept along its surface were as scorching and suffocating as the famed Sirocco.

This region which Sibley pronounced uninhabitable is now quite thickly settled by a happy and prosperous people.

Gen. H. H. Sibley, who was in command of the Minnesota pursuing forces in 1862, fought an intermittent skirmishing fight for weeks in the Yellow Medicine country, Minnesota, took a large number of prisoners, rescued hundreds of captives, women and children, and much of the time was seriously hindered by lack of troops, his command being largely composed of settlers who had suf-

fered from the atrocities of the Indians, without cavalry, and short of rations and ammunition. The only conflicts in Dakota under Sibley during that year appear to have been on the Red River in the vicinity of the headwaters, in September, in which the general was able to hold his own. He succeeded, however, in restoring a measure of security to that borderland. The main body of the hostiles escaped, and entering Dakota in the country adjacent to Big Stone Lake and Lake Traverse, took their course northwest by way of the Cheyenne Valley and went on to Devil's Lake. Small war parties separated from the main body and came down the Big Sioux and James River valleys late in August and early in September, killing Amidon and son at Sioux Falls, and compelling the evacuation of the place. This outrage, with their depredations near Yankton, created general alarm in all the Dakota settlements, which for a time threatened the depopulation of the territory. The particulars of these frays are elsewhere narrated.

Report of Gen. H. H. Sibley, United States Army, commanding the Sioux Indian expedition through the northern part of Dakota Territory:

June 16 to September 13, 1863.

Headquarters District of Minnesota, Camp Carter,
Bank of James River, Dakota Territory, August 7, 1863.

Major: My last dispatch was dated 21st ultimo., from Camp Olin, in which I had the honor to inform Major General Pope that I had left one-third of my force in an intrenched position at Camp Atchison, and was then one day's march in advance, with 1,400 infantry and 500 cavalry, in the direction where the main body of the Indians were supposed to be. During the three following days I pursued a course somewhat west of south, making fifty miles, having crossed the James River and the great coteau of the Missouri. On the 24th, about 1 P. M., being considerably in advance of the main column with some of the officers of my staff engaged in looking out for a suitable camping ground, the command having marched steadily from 5 A. M., some of my scouts came to me at full speed and reported that a large camp of Indians had just before passed and great numbers of warriors could be seen upon the prairie two or three miles distant. I immediately corralled my train upon the shore of a salt lake near by and established my camp, which was rapidly intrenched by Colonel Crooks, to whom was intrusted that duty, for the security of the transportation in case of attack, a precaution I had taken whenever we encamped for many days previously. While the earthworks were being pushed forward parties of Indians, more or less numerous, appeared upon the hills around us, and one of my half-breed scouts, a relative of Red Plume, a Sisseton chief, hitherto opposed to the war, approached sufficiently near to converse with him. Red Plume told him to warn me that the plan was formed to invite me to a council with some of my superior officers, to shoot us without ceremony, and then attack my command with a great force, trusting to destroy the whole of it. The Indians ventured to a spot where a portion of my scouts had taken position, three or four hundred yards from our camp, and conversed with them in an apparently friendly manner, some of them professing a desire for peace. Surgeon Josiah S. Weiser, of the First Regiment, Minnesota Mounted Rangers, incautiously joined the group of scouts, when a young savage, doubtless supposing from his uniform and horse equipments that he was an officer of rank, pretended great friendship and delight at seeing him, but when within a few feet treacherously shot him through the heart. The scouts discharged their pieces at the murderer, but he escaped, leaving his horse behind. The body of Doctor Weiser was immediately brought into camp, unmutated, save by the ball that killed him. He was universally esteemed, being skillful in his profession and a courteous gentleman. This outrage precipitated an immediate engagement. The savages, in great numbers, concealed by the ridges, had encircled those portions of the camp flanked by the lake referred to, and commenced an attack. Col. Samuel McPhaill, with two companies, subsequently reenforced by others, as they could be spared from other points, was directed to drive the enemy from the vicinity of the hill where Doctor Weiser was shot, while those companies of the Seventh Regiment, under Lieut. Col. W. R. Marshall and Maj. George Bradley, and one company of the Tenth Regiment, under Capt. Alonzo J. Edgerton, were dispatched to support them. Taking with me a six-pounder, under the command of Lieut. John C. Whipple, I ascended a hill toward the big mound, on the opposite side of the ravine, and opened fire with spherical case shot upon the Indians, who had obtained possession of the upper part of the large ravine and of smaller ones tributary to it, under the protection of which they could annoy the infantry and cavalry without exposure on their part. This flank and raking fire of artillery drove them from their hiding places into the open prairie, where they were successively dislodged from the ridges, being utterly unable to resist the steady advance of the Seventh Regiment and the Rangers, but fled before them in confusion. While these events were occurring on the right, the left of the camp was also threatened by a formidable body of warriors. Col. William Crooks, whose regiment, the Sixth, was posted on that side, was ordered to deploy

part of his command as skirmishers and to dislodge the enemy. This was gallantly done, the colonel directing in person the movements of one part of his detached force and Lieut. Col. John T. Averill the other, Maj. Robert N. McLaren remaining in command of that portion of the regiment required as part of the camp guard.

The savages were steadily driven from one strong position after another under a severe fire, until feeling their utter inability to contend longer with our soldiers in the open field, they joined their brethren in one common flight. Upon moving forward with my staff to a commanding point which overlooked the field, I discovered the whole body of Indians, numbering from one thousand to one thousand five hundred, retiring in confusion from the combat, while a dark line of moving objects on the distant hills indicated the locality of their families. I immediately dispatched orders to Colonel McPhaill, who had now received an accession of force from the other companies of his mounted regiment, to press on with all expedition and fall upon the rear of the enemy, but not to continue the pursuit after night-fall, and Lieutenant Colonel Marshall was directed to follow and support him with the company of the Seventh and Captain Edgerton's company of the Tenth, accompanied by one six-pounder and one section of mountain howitzers under Captain Jones. At the same time all of the companies of the Sixth and Tenth regiments, except two from each, which were left as a camp guard, were ordered to rendezvous and to proceed in the same direction, but they had so far to march from their respective points before arriving at the spot occupied by myself and staff, that I felt convinced of the uselessness of their proceeding further, the other portions of the pursuing force being some miles in advance, and I accordingly ordered their return to camp. The cavalry gallantly followed the Indians and kept up a running fight until nearly dark, killing and wounding many of their warriors; the infantry under Lieutenant Colonel Marshall being kept at a double quick in their rear. The order to Colonel McPhaill was improperly delivered as requiring him to return to camp instead of bivouacking on the prairie. Consequently he retraced his way with his weary men and horses, followed by the still more wearied infantry, and arrived at camp early the next morning as I was about to move forward with the main column. Thus ended the battle of the "Big Mound." The severity of the labors of the entire command may be appreciated when it is considered that the engagement only commenced after the day's march was nearly completed, and that the Indians were chased at least twelve miles, making altogether at least forty miles performed without rest.

The march of the cavalry of the Seventh Regiment and of Company B of the Tenth Regiment, in returning to camp after the tremendous efforts of the day is almost unparalleled, and it told so fearfully upon men and animals that a forward movement could not take place until the 26th, when I marched at an early hour. Col. J. H. Baker had been left in command of the camp, named by the officers Camp Sibley, during the engagement of the previous day, and all the arrangements for its security were actively and judiciously made, aided as he was by that excellent officer, Lieut. Col. Samuel P. Jennison, of the same regiment. Upon arriving at the camp from which the Indians had been driven in such hot haste, vast quantities of dried meat, tallow and buffalo robes, cooking utensils, and other indispensable articles were found concealed in the long reeds around the lake, all of which were, by my direction, collected and burned. For miles along the route the prairie was covered with the evidences of a hasty flight. Colonel McPhaill had previously informed me that beyond Dead Buffalo Lake, so far as his pursuit of the Indians had continued, I would find neither wood nor water. I consequently established my camp on the border of that lake, and very soon afterward parties of Indians made their appearance threatening an attack. I directed Capt. John Jones to repair with his section of six-pounders, supported by Capt. Jonathan Chase, with his company of pioneers, to a commanding point about six hundred yards in advance, and I proceeded in person to the same point. I there found Colonel Crooks, who had taken position with two companies of his regiment, commanded by Captain Grant and Lieutenant Grant, to check the advance of the Indians in that quarter. An engagement ensued at long range, the Indians being too wary to attempt to close, although greatly superior in numbers. The spherical case from the six-pounders soon caused a hasty retreat from that locality, but perceiving it to be their intention to make a flank movement on the left of the camp in force, Capt. Oscar Taylor, with his company of mountain rangers, was dispatched to retard their movements in that quarter. He was attacked by the enemy in large numbers, but manfully held his ground until recalled and ordered to support Lieutenant Colonel Averill, who, with two companies of the Sixth Regiment, deployed as skirmishers, had been ordered to hold the savages in check. The whole affair was ably conducted by these officers, but the increasing numbers of the Indians, who were well mounted, enabled them by a circuitous route to dash toward the extreme left of the camp, evidently with a view to stampede the mules herded on the shores of the lake. This daring attempt was frustrated by the rapid motions of the companies of the mounted Rangers commanded by Capt. Eugene M. Wilson and Peter B. Davy, who met the enemy and repulsed them with loss, while Major McLaren, with equal promptitude, threw out, along an extended line, the six companies of the Sixth Regiment, under his immediate command, thus entirely securing that flank of the camp from further attacks. The savages, again foiled in their design, fled with precipitation, leaving a number of their dead upon the prairie, and the battle of the "Dead Buffalo Lake" was ended.

On the 27th I resumed the march, following the trail of the retreating Indians until I reached Stony Lake, where the exhaustion of the animals required me to camp, although grass was very scarce. The next day, the 28th, there took place the greatest conflict between our troops and the Indians, so far as the numbers were concerned, which I have named the "Battle of Stony Lake." Regularly alternating each day, the Tenth Regiment, under Colonel Baker, was in the advance and leading the column, as the train toiled up the long hill. As I passed Colonel Baker I directed him to deploy two companies of the Tenth as skirmishers. Part of the wagons were still in the camp, under the guard of the Seventh Regiment, when I perceived a large force of mounted Indians moving rapidly upon us. I immediately sent orders to the several commands promptly to assume their positions, in accordance with the program of the line of march; but this was done and the long train completely guarded at every point by the vigilant and able commanders of regiments and corps, before the orders reached them. The Tenth gallantly checked the advance of the enemy in front; the Sixth and cavalry on the right, and the Seventh and cavalry on the left, while the six-pounders and two sections of mountain howitzers, under the efficient direction of their respective chiefs, poured a rapid and destructive fire from as many different points. The vast number of the Indians enabled them to form two-thirds of a circle, five or six miles in extent, along the whole line of which they were seeking for some weak point upon which to precipitate themselves. The firing was incessant and rapid from each side, but as soon as I had completed the details of the designated order of march, and closed up the train, the column issued in line of battle upon the prairie, in the face of the immense force opposed to it, and I resumed my march without any delay. This proof of confidence in our own strength completely destroyed the hopes of the savages, and completed their discomfiture. With yells of disappointment and rage, they fired a few parting volleys, and then retreated with all expedition. It was not possible, with our jaded horses, to overtake their fleet and comparatively fresh ponies.

This engagement was the last desperate effort of the combined Dakota bands to prevent a farther advance upon our part toward their families. It would be difficult to estimate the number of warriors, but no cool and dispassionate observer would probably have placed it at a less figure than from two thousand two hundred to two thousand five hundred. No such concentration of force has, so far as my information extends, ever been made by the savages of the American continent. It is rendered certain, from information received from various sources, including that obtained from the savages themselves, in conversation with our half-breed scouts, that the remnant of the bands who escaped with Little Crow had successively joined the Sissetons, the Cutheads, and finally the Chank-ton-ais, the most powerful single band of the Dakotas, and together with all these, had formed an enormous camp of nearly, or quite ten thousand souls.

To assert that the courage and discipline displayed by officers and men in the successive engagements with this formidable and hitherto untried enemy were signally displayed, would but ill express the admiration I feel for their perfect steadiness, and the alacrity with which they courted an encounter with the savages. No one for a moment seemed to doubt the result, however great the preponderance against us in numerical force. These wild warriors of the plains had never been met in battle by American troops, and they have ever boasted that no hostile army, however numerous, would dare to set foot upon the soil of which they claimed to be the undisputed masters. Now that they have been thus met, and their utmost force defied, resisted, and utterly broken and routed, the lesson will be a valuable one, not only in its effect upon these particular bands, but upon all the tribes of the Northwest.

When we went into camp on the banks of Apple River, a few mounted Indians could alone be seen. Early the next morning I dispatched Colonel McPhaill, with the companies of the Mounted Rangers and the two six-pounders, to harass and retard the retreat of the Indians across the Missouri River, and followed with the main column as rapidly as possible. We reached the woods on the border of that stream shortly after noon on the 29th, but the Indians had crossed their families during the preceding night, and it took but a short time for the men to follow them on their ponies. The hills on the opposite side were covered with the men, and they had probably formed the determination to oppose our passage of the river, both sides of which were here covered by a dense growth of underbrush and timber for a space of more than a mile. I dispatched Colonel Crooks with his regiment, which was in the advance, to clear the woods to the river of Indians, which he successfully accomplished without loss, although fired upon fiercely from the opposite side. He reported to me that a large quantity of transportation, including carts, wagons and other vehicles, had been left behind in the woods. I transmitted, through Mr. Beaver, a volunteer aide on my staff, an order to Colonel Crooks to return to the main column with his regiment, the object I had in view in detaching him being fully attained. The order was received, and Mr. Beaver entrusted with a message in return, containing information desired by me, when, on his way to headquarters, he unfortunately took the wrong trail, and was the next day found where he had been set upon and killed by an outlying party of the enemy. His death occasioned much regret to the command, for he was esteemed by all for his devotedness to duty and for his modest and gentlemanly deportment. A private of the Sixth regiment, who had taken the same trail, was also shot to death with arrows, probably by the same party. There being no water to be found on the prairie, I proceeded down the Missouri to the nearest point on Apple River, opposite Burnt Boat Island, and made my camp. The

following day Colonel Crooks, with a strong detachment of eleven companies of infantry, dismounted cavalry and three guns under the command of Captain Jones, was dispatched to destroy the property left in the woods, which was thoroughly performed, with the aid of Lieutenant Jones and a portion of the pioneer corps. From one hundred and twenty to one hundred and fifty wagons and carts were thus disposed of. During this time the savages lay concealed in the grass on the opposite side of the river, exchanging occasional volleys with our men. Some execution was done upon them by the long range arms of the infantry and cavalry, without injury to any one of my command.

I waited two days in camp hoping to open communication with General Sully, who, with his comparatively fresh mounted force, could easily have followed up and destroyed the enemy we had so persistently hunted. The long and rapid marches had very much debilitated the infantry, and as for the horses of the cavalry and the mules employed in transportation, they were utterly exhausted. Under all the circumstances I felt that this column had done everything possible within the limits of human and animal endurance, and that a farther pursuit would not only be useless, as the Indians could cross and recross the river in much less time than my command, and thus evade me, but would necessarily be attended with the loss of many valuable lives. For three successive evenings I caused the cannon to be fired and signal rockets sent up, but all these elicited no reply from General Sully, and I am apprehensive he has been detained by insurmountable obstacles. The point struck by me on the Missouri is about forty miles by land below Fort Clarke, in latitude 46 degrees, 42 minutes, longitude 100 degrees, 35 minutes.

The military results of the expedition have been entirely satisfactory. A march of nearly six hundred miles from St. Paul has been made, in a season of fierce heats and unprecedented drouth, when even the most experienced voyagers predicted the impossibility of such a movement. A vigilant and powerful, as well as confident, enemy was found, successively routed in three different engagements, with a loss of at least one hundred and fifty killed and wounded of the best and bravest warriors, and his beaten forces driven in confusion and dismay, losing vast quantities of subsistence, clothing, and means of transportation across the Missouri River, many, perhaps the most of them, to perish miserably in their utter destitution during the coming fall and winter.

These fierce warriors of the prairie have been taught by dear bought experience that the long arm of the Government can reach them in their most distant haunts, and punish them for their misdeeds; that they are utterly powerless to resist the attacks of a disciplined force, and that but for the interposition of a mighty stream between us and them, the utter destruction of a great camp, containing all their strength, was certain.

It would have been gratifying to us all if the murdering remnant of the Minday, Wakomton and Wakpaton bands could have been extirpated, root and branch, but as it is the bodies of many of the most guilty have been left unburied on the prairies, to be devoured by wolves and foxes.

I am gratified to be able to state that the loss sustained by my column in actual combat was very small. Three men of the cavalry were killed and four wounded, one, I fear, fatally. One private of the same regiment was killed by lightning during the first engagement, and Lieut. Ambrose Freeman, of Company D, also of the Mounted Rangers, a valuable officer, was pierced to death by arrows on the same day by a party of hostile Indians, while, without my knowledge, he was engaged in hunting at a distance from the main column. The bodies of the dead were interred with funeral honors, and the graves secured from desecration by making them in the semblance of ordinary rifle pits.

It would give me pleasure to designate by name all those of the splendid regiments and corps of my command who have signalized themselves by their gallant conduct, but as that would really embrace officers and men, I must content myself with bringing to the notice of the major general commanding such as came immediately under my own observation. I cannot speak too highly of Colonels Crooks and Baker and Lieutenant Colonel Marshall, commanding respectively the Sixth, Tenth and Seventh regiments of Minnesota Volunteers, and Lieutenant Colonels Averill and Jennison and Majors McLaren and Bradley, and of the line officers and men of these regiments. They have deserved well of their country and their state. They were ever on hand to assist me in my labors, and active, zealous, and brave in the performance of duty. Of Colonel McPhaill, commanding the Mounted Rangers, and of Majors John H. Parker and Orrin T. Hayes, and the company officers and men generally, I have the honor to state that, as the cavalry was necessarily more exposed and nearer the enemy than the other portions of the command, so they alike distinguished themselves by unwavering courage and splendid fighting qualities. The great destruction dealt out to the Indians is mostly attributable to this branch of the service, although many were killed and disabled by the artillery and infantry. Captain Jones and his officers and men of the battery were ever at their posts, and their pieces were served with much skill and effect. To Capt. Jonathan Chase, of the Pioneers, and his invaluable company, the expedition has been greatly indebted for service in the peculiar line for which they are detailed. Capt. William R. Baxter's Company H of the Ninth Regiment, having been attached to the Tenth Regiment as a part of its organization temporarily, upheld its high reputation for efficiency, being the equal in that regard of any other company. The surgical department of the expedition was placed by me in the charge of Surgeon Alfred Wharton, medical director, who has devoted himself zealously and efficiently. In his official

report to these headquarters he accords due credit to the surgeons and assistants of the several regiments present with him.

Of the members of my own staff, I can affirm that they have been equal to the discharge of the arduous duties imposed upon them.

Capt. Rollin C. Olin, my assistant adjutant general, has afforded me great assistance, and for their equal gallantry and zeal may be mentioned Captains Pope and Atchison, Lieutenants Pratt and Hawthorne, and Captain Cox, temporarily attached to my staff, his company having been left at Camp Atchison. The quartermaster, Captain Corning, and Captain Kimball, assistant in charge of the pioneer train, discharged their duties satisfactorily, as did also Captain Forbes, commissary of subsistence. Chief guides, Maj. J. R. Brown and Pierre Bottineau, have been of the greatest service, and the interpreter, Reverend Mr. Riggs, has also rendered much assistance in the management of the Indian scouts. The scouts, including the chiefs, McLeod and Duley, have been very useful, and proved faithful and intrepid. I have the honor to transmit herewith the reports of Colonels Crooks, Baker, and Lieutenant Colonel Marshall, and also of Colonel McPhaill, commanding Mounted Rangers.

I am, major, very respectfully, your obedient servant,

H. H. SIBLEY, Brigadier General Commanding.

MAJ. J. F. MELINE, Assistant Adjutant General, Department of the Northwest.

In a subsequent report, General Sibley says that "the combination of Indians defeated by my column in the late engagements may be thus classified: Minnesota River bands, remnants, 250 warriors; Sisseton Sioux, 450 warriors; E. Yanktonais, 1,200 warriors; other straggling bands, including Teton Sioux, from the west side of the Missouri River, probably four hundred warriors, making an aggregate force of from two thousand three hundred to two thousand five hundred warriors. These constitute the full strength of the Dakota or Sioux Indians inhabiting the prairies on the east side of the Missouri River, with few and insignificant exceptions."

In another dispatch referring to the country, or a portion of it in Dakota on his line of march in pursuit of the enemy, he observes: "The region traversed by my column between the first crossing of the Cheyenne River and the coteau of the Missouri is, for the most part, uninhabitable. If the devil were permitted to select a residence upon the earth, he would probably choose this particular district for an abode, with the redskin murdering and plundering bands as his ready ministers, to verify by the ruthless deeds his diabolical hate to all who belong to a Christian race. Through this vast desert, lakes, fair to the eye abound, but generally their waters are strongly alkaline or intensely bitter and brackish. The valleys between them frequently reek with sulphurous and other disagreeable odors or vapors. The heat was so intolerable that the earth was like a heated furnace, and the breezes that swept along its surface were as scorching and suffocating as the famed Sirocco. Yet through all these difficulties men and animals toiled on until the objects of the expedition were accomplished."

Concerning the fate of the notorious chief, Little Crow, who is charged with instigating the Indian insurrection from which the several years of hostility on the frontiers ensued, General Sibley, in a dispatch from Camp Hackett, Fort Abercrombie, August 23d, while on the return from his Missouri expedition, tells of sending a detachment of the Seventh Minnesota under Captain Erb to that section, and says: "That efficient officer took up the line of march on the 24th of July, and during eight days absence from camp he examined thoroughly the region to the west of Devil's Lake, without discovering any Indians or fresh traces of them, excepting one young man, a son of Little Crow, who was found in a state of exhaustion on the prairie, and was taken prisoner without resistance and brought into Camp Atchison. He states positively that his father, Little Crow, was killed at some point in the Big Woods on the Minnesota frontier by shots from white men, while his father and himself were engaged in picking berries; that his father had taken with him his son and sixteen other men and one woman, and gone from the camp then at Devil's Lake, several weeks previously, to the settlements in Minnesota to steal horses, Little Crow stating to his son that the Indians were too weak to fight against the whites, and that it was his intention to secure horses, and then to return and take his family to a distant part of the country, where they would not be in danger from the whites. He has repeated the statement to me without any material variation, and as his account corroborates the reports of the mode in which two Indians, who were engaged in picking berries, were approached by a Mr. Lampson and his son, and one of them killed, and the body accurately described, there is no longer any doubt that the originator of the horrible massacre of 1862 has met his death."

In another dispatch, referring to the condition of the frontier, Sibley says: "Should General Sully take up the pursuit of the Indians at the point on the Missouri River where I was obliged to abandon it, as I trust he will, and inflict further chastisement upon them, it might be consistent with the security of the Minnesota frontier to diminish the force in this military district; otherwise I have the honor to submit that there may be and probably will be a further necessity for the use of the whole of it in further operations against these powerful bands should they attempt, in large numbers, to molest the settlements in retaliation for the losses they have sustained during the late engagements."

While the Indian war of 1862 led to no actual battles or open hostilities on the part of the Chippewas of Red River, the uneasiness of members of that tribe, and the hostility of half-breed subjects of the British Canadian government north of the boundary line, rendered it necessary to station a force of United States troops at Pembina, and an independent battalion of Minnesota volunteers under Maj. E. A. C. Hatch was kept at that point during the winter of 1862-63. This battalion remained at Pembina until May 1, 1863. It was ascertained during the winter that these British half-breeds were furnishing guns and ammunition to the hostile Sioux and were intriguing to induce the Chippewas to join hands with Little Crow's forces. In the language of General Sibley, in one of his reports to General Pope about this time, "If it can possibly be effected by the influence of the Red River half-breeds we may anticipate that the Chippewas will soon be added to the number of our enemies." During the winter while Major Hatch was at Pembina, about ninety Sioux Indians from British America who had found an asylum on that side of the boundary line, men, women and children, came across to Pembina and surrendered.

Just before Sibley's command started on this campaign, a young Englishman joined the expedition, whose name was Fred I. Holt Beever. He brought to Sibley letters from John Jacob Astor, Hamilton Fish and other prominent citizens of New York. These letters contained personal requests that Beever be allowed to join the command. The general, though reluctantly, acceded to these requests and attached Mr. Beever to his personal staff as an aide-de-camp. Beever acquitted himself creditably on the march to the Missouri. On the day of the fight near the present site of the Town of Bismarck, or in the Apple Creek Valley, Colonel Crooks was placed in the advance and marched with his soldiers into the woods along the river. Wishing to recall him Sibley sent an order to him. This order, at Beever's own request, he was allowed to carry. Before starting he was warned to keep within the skirmish line, to follow the main trail, and keep a lookout for Indians. Beever reached Colonel Crooks in safety, delivered his orders, and started back alone. But he lost the main trail, got outside of the skirmish line, and in passing a fallen tree was attacked by several Indians concealed behind it. To avoid attracting attention he was first shot with an arrow and mortally wounded. But cool and brave to the last, he turned on his horse, shot two of the Indians, and then horse and rider fell dead, finally killed by a gunshot. His body was not mutilated, but his pistols, field glass, saber and saddle, and all his clothing but his drawers and shirt were taken. The next day searching parties sent out by General Sibley found his body and he was buried on the camp grounds with Masonic honors. Later Sibley had his remains removed to St. Paul and interred in Oakland Cemetery.

The strange part of Beever's career remains to be told. He was an ordained clergyman of the Church of England. He came from a prominent family, but some disappointment in life sent him to the wilds of America to hunt. He spent two years with the Astors and others in New York and then learning of the intended expedition of General Sibley against the hostile Indians secured a place in it as has been related. The year he was killed was to have been his last in America, for he expected to return to England at the close of Sibley's campaign. General Sibley and Reverend Mr. Patterson, of the Episcopal Church, opened correspondence with his friends and relatives and informed them of his death. His mother was at Aix la Chapelle, France, and she wrote back sending a sum of money for placing over his grave a tablet, which General Sibley has since taken charge of. Another interesting fact came to light that after Beever's tragic death, an uncle had died and left him and his brother about three hundred and fifty thousand dollars. This is all that is known of the man. His grave is appropriately decorated each year by soldier friends of Sibley, as a mark of respect to an Englishman who died in a heroic defense of the Northwest.

The following graphic account and description of the killing of an Indian at Fort Thompson was received in a letter to the compiler of this book, dated July 21, 1863. The writer, who was a soldier, says:

I witnessed a singular spectacle last week. Some time ago a Santee Indian fatally wounded a squaw in a fracas, and was consigned to the custody of Captain Miner of Company A, Dakota Cavalry. When Sully's expedition arrived here, the accused Indian was, by order of the commanding general, turned over to the Indians to be punished according to their custom. The Indians held a council and sentenced the man to be shot. Captain Miner delivered the accused and now condemned man to the executioner in a secluded spot near the agency, when suddenly the condemned Indian drew a knife he had concealed and instantly fell upon the executioner, plunging the knife into his breast and inflicting what was supposed to be a mortal wound. All the Indians standing by, and there were a number, took alarm at this; they fled with all speed to a remote distance and could not be induced to return. As there was now no one to execute the sentence, it was decided that a fifteen-year-old son of the stabbed Indian should kill the offender with a minie rifle. But the boy's nerve failed him when the condemned man came toward him with bared breast and a defiant look, so as to offer a more certain mark for the bullet. A half-breed standing near and observing that the boy had weakened, seized his gun, and without taking aim, blazed away, the ball entering the Indian's abdomen, causing a large wound from which his intestines protruded. The stricken man reeled and fell writhing and groaning in his agony. Captain Miner then ordered the half-breed to take his (Miner's) pistol and dispatch him, but his aim was poor and he inflicted a wound in his shoulders. The poor fellow then began to chant his death song, when someone sent a ball that crashed through his head and ended the revolting and cruel scene. The poor fellow boasted that he was a brave and would die bravely, and he did exhibit the most determined fortitude to the last. It was a painful tragedy, and lingers unpleasantly in memory despite earnest resolves to forget it.

A treaty unique in the annals of statecraft as practiced by the Indian tribes was a written, subscribed and witnessed agreement of amity between the Yankton tribe of Indians and the Pawnee nation, made in 1863. It was the first treaty between Indians that was reduced to written terms that we have record of, and was in words and terms as follows:

A treaty for the establishment of peace and restoration of friendship, made and concluded in grand council at the peace village on the Ponca Reservation in the Territory of Dakota, on the 23d day of January, A. D. 1863, by and between the Pawnee Nation and Yankton Sioux Tribe of Indians represented by their chiefs, warriors, and head men, they being duly authorized by their said nation and tribe, namely:

Witnesseth: That whereas hostilities have existed between the said nation and tribe for more than a year past, to the great injury and loss of life and property to each; and that now we have been called together in grand council at the village of our mutual friends, the Poncas, by their white father, J. M. Moffman, United States Indian agent, to whose friendly words of rebuke, warning and advice we have listened, we the chief warriors and head men, representing for and on behalf of the Pawnee Nation and Yankton Sioux Tribe of Indians, do hereby agree and ordain as follows:

First. That the hostilities which have existed between the said Pawnee Nation and Yankton Sioux Tribe of Indians, shall from this day henceforth and forever cease; that all the injuries inflicted and all animosities which have been held by either toward the other shall be, and are, forgiven and forgotten, and the peace between the said nations and tribes, and relations of friendship between the members of each toward the other shall be and are hereby established.

Second. That the representative parties hereto do, on behalf of their nation and tribe, pledge themselves each to the other, and jointly to the great father, the President, and to the Government of the United States, faithfully to observe and obey the conditions of this instrument.

In testimony whereof, we, the said chiefs and warriors and head men of the Pawnee Nation and Yankton Sioux Tribe of Indians, duly authorized and empowered as aforesaid, hereunto set our hands and seals, at the place and on the day and year hereinbefore written. Done in triplicate

Pawnees

La-shah-lu-get-lus, or Crooked Hand, His X mark.
 Yah-koo-we-te-too, or One Strikes First, His X mark.
 Yu-tu-re-kah, or Holds The Enemy First, His X mark.
 Yu-la-goo-chah, or Leads In War, His X mark.
 Yah-ka-re-kah, or The Sentinel, His X mark.
 Lu-tu-kaw-we, or White Feather, His X mark.

Yankton Sioux

Pah-dah-nah-pah-pe, or One Who Strikes the Ree, His X mark.

Me-ah ko ne, or Feather In The Ear, His X mark.

Ohe-shi-wash ta, or The Pretty Boy, His X mark.

Pah-teuk-kate-weet-ko, or Mad Bull, His X mark.

Spahk daw-sop-pah, or Black Horse, His X mark.

Yah-tah-kah-hoo, or Sailing Hawk, His X mark.

Witnesses

J. B. Hoffman, United States Indian Agent.

John Springer, Interpreter for Pawnees.

Alexis Young, His X mark, Interpreter for Poncas.

Wah-gah-seep-pe, or Whip, His X mark.

Ash-naw-e-ka-ga-he, or Lone Chief, His X mark.

J. A. LEWIS,
JOSEPH S. HILL.

The Pawnees were at this time a remnant of an Indian nation that had been quite prominent among the original inhabitants of the West. The small nation had its local abode in Northeastern Nebraska. The treaty between this nation and the Yanktons was of value to the whites in this way. The warriors of either party would go forth on an expedition against their enemy, traversing the borders of the white settlements on their marches to and fro, and it frequently happened that after wreaking vengeance upon the foe, they would proceed to some mild but very annoying depredations upon the fields and herds of the white settlers, which they were pleased to regard as the spoils of victory, justifying their consciences in taking these trophies from the pale face on the ground that the enemy whom they had defeated had nothing of any value, and they were obliged to defray the expense of their campaign from the property of the whites.

CHAPTER XXVII

GENERAL SULLY'S CAMPAIGN—BATTLE OF WHITE STONE HILLS

1863

GENERAL ALFRED SULLY—HIS MILITARY CAREER—GENERAL COOK HAD MADE PREPARATION FOR THE CAMPAIGN—SULLY'S FORCES—LOW WATER AND SLOW STEAMBOATS HINDER—PROTECTION FOR THE SETTLEMENTS—ADVANCE TOO LATE TO CO-OPERATE WITH SIBLEY; BUT HE FINDS HOSTILES—BATTLE OF WHITE STONE HILLS—HOSTILES ROUTED AND WINTER SUPPLIES CAPTURED—THE RETURN MARCH—ONE HUNDRED PRISONERS—FIRST FORT SULLY BUILT—TROOPS STATIONED FOR WINTER—HOSTILE TRIBES AND THEIR NUMBERS—SULLY'S OFFICIAL REPORT.

Before General Sully came into the field as commander of the military district of Dakota, which was about the 1st of June, 1863, the district had been for about half a year under the command of Brig. Gen. John Cook, of Springfield, Illinois, one of the most promising of the volunteer generals, who had won fame at Fort Donelson and had been rewarded by rapid and deserved promotion in the Union armies east and south by the exercise of military abilities of a high order. He was assigned to the command of this military division, embracing a portion of Northwestern Iowa in addition to Dakota, by Maj. Gen. John Pope, in command of the department, November 25, 1862. Sioux City was made headquarters of the division. Milwaukee was headquarters of the department. General Cook was an enterprising commander, high-minded and very popular with soldiers and civilians; but he was entirely without experience in frontier warfare, and by the War Department considered an unsafe commander to entrust the sole management and leadership of the Indian campaign to. The general visited Dakota in December following his assignment and held a consultation with Acting Governor Hutchinson at Yankton regarding protection to be afforded the settlements. He then went on to Fort Randall and thence as far up the river as Fort LaFromboise, near old Fort Pierre, then abandoned and removed, returning in January, 1863. His trip had been made for the purpose of becoming personally acquainted with the condition of affairs and the "lay of the land." He claimed to have no important information from the hostile Indians, whom he had located in the neighborhood of Devil's Lake, and who numbered about five thousand. Little Crow had been reported killed.

General Cook expected to lead an expedition against the hostile Indians early in the spring of 1863 in cooperation with General Sibley, of Minnesota, and intended to give his attention to preparation for that event during the remainder of the winter. He had never had experience in Indian warfare, and for that reason grave misgivings were felt that he would not be able to conduct a successful campaign. He had, however, assembled a portion of his army which was then in camp on the Big Sioux River, had chartered and was prepared to load his steamboats, and was just about ready to start his columns and fleet toward the Indian country, when an order came relieving him, and appointing Gen. Alfred H. Sully to succeed him.

General Sully was a graduate of West Point, class of 1841, and had seen twenty years of arduous service, nearly all on the frontier. He fought the Sem-

niles in Florida, went through the Mexican war under Taylor, and was promoted to a captaincy; was in Oregon five years engaged in duties that familiarized him with the Indian mode of warfare. Was stationed at Fort Ridgely on the Minnesota River in 1856, was ordered from that fort to Fort Pierre in that year, marching across the country with two companies of infantry. He remained at Fort Pierre until 1858 when the fort was abandoned by the Government, Sully removing with his command to Fort Abercrombie. When the Civil war broke out he was tendered the colonelcy of the First Minnesota, which he accepted, and went to Virginia; was in the famous but disastrous Battle of Bull Run, and remained under McClellan and others until ordered to take command of this military district. His promotion to a brigadier generalship had been made in the volunteer service and was fairly earned. He was a rough and ready soldier, who talked little but acted rapidly. More than any other general officer available, he seemed to possess the peculiar qualifications for leading an expedition against the hostile Indians.

The change was unquestionably a wise one and prompted by the best of motives such as should govern in the public service. The lives of 2,000 men, to say nothing of the other interests involved, might be sacrificed in such a war by the inexperienced rashness of the commanding officer, and as this campaign developed it was made plain that General Sully's experience saved his army from being trapped and possibly destroyed.

Sully lost no time in preparations. At Camp Cook he found his army rendezvoused and in the best of spirits, ready to move. His force consisted of the Sixth Iowa Cavalry, Colonel Wilson; the Second Nebraska Cavalry, Colonel Furnas; Companies A and B, Dakota Cavalry. A battalion of the Sixth Iowa had moved up to Yankton about the last of May, commanded by Lieutenant Colonel Pollock, a quarter-blood Indian, but a relentless foe of the hostiles. These would join Sully at Fort Randall.

About the 20th of June General Sully got away from Sioux City, which at that time was headquarters of this military district, and reached Yankton crossing on the evening of the 24th, remaining in camp below town until the morning of the 29th, in the meantime arranging with Governor Hutchinson the plan for the protection of the settlements during the absence of the expedition.

His army and equipments by land consisted of four companies of the Sixth Iowa Cavalry (the one battalion under Colonel Pollock having preceded the main body to Fort Randall); seven companies of the Second Nebraska Cavalry; one company of the Seventh Iowa Cavalry, Captain Millard of Sioux City; three companies of the Forty-fifth Iowa Infantry and one eight gun battery. Also 200 army wagons, 1,200 mules and 200 civil employes and a large herd of beef cattle. The expedition got away from Yankton on the morning of the 26th of June.

Four steamboats were a part of the expedition carrying quartermaster and commissary supplies. A battalion of four companies of the Thirtieth Missouri Infantry, one company to each steamer, accompanied the fleet.

Prior to leaving the general issued the following order, No. 25, which was based on reliable reports that a number of small war parties had been sent south to harass the settlements during the absence of the troops:

General Order No. 25

Headquarters First Military District, Department of Northwest,

Yankton, Dakota Territory, June 25, 1863.

Company B, Dakota Cavalry, during the absence of the expedition will be stationed at Yankton, Dakota Territory, and Company A, Dakota Cavalry, will be stationed at Vermillion during the same time. The companies are stationed here for the protection of the settlements of the territory, and they will recollect that they will consider themselves, during my absence, as much in the field and on active duty as the rest of the troops of the district are. It is therefore enjoined on the commanders of these companies to keep their troops actively engaged during the period in patrolling outside the settlements in order to give confidence to the settlers; to pursue and punish any hostile bands of Indians whom they may find lurking about in the vicinity. In order to carry this order into effect they will have their commands divided into three equal parts and they will patrol as follows:



SIoux JERKING VENISON



BUCKSKIN LODGE, SHOWING
ENTRANCE



PONCA WARRIOR



UNCAPAPA SQUAW, SIOUX NATION

Company B, each morning early, will send a patrol, one-third of the command, from Yankton to Turkey Ridge, where they will encamp over night and return the next morning.

Company A, in the same way, will send a patrol, one-third of the command, to Brule Creek and the Big Sioux River, where they will encamp over night and return the next morning.

The commanders of these detachments, should they discover on their patrol duty, fresh signs of Indians, they will follow their trail as far as they may deem it prudent—not to separate themselves too far from the section they have to guard, and not to overtake a party too large for them to successfully oppose. Should they meet any Indians in their tours, they will take them prisoners and bring them in for future investigation. Should the Indians run from them they will be considered as hostile and treated accordingly.

The commanders of troops at these two points, Yankton and Vermillion, will use sound discretion in sending troops to different points where they may hear or have reason to believe there are Indians lurking about, and will immediately report all the facts to the temporary commanding officer of this district at Sioux City, Lieutenant Colonel Pattee.

The command stationed at Vermillion will be considered as only temporarily stationed there, as their duty of patrolling that section of country will be performed by a company of the Seventh Iowa Cavalry, to be stationed on the Upper Big Sioux River as soon as they may arrive in that section of the country. Company A, as soon as relieved by the Seventh Iowa, will be stationed in the upper country above Yankton, and at such points as the temporary commander of the district may judge best suited for the interest of the service.

A. H. SULLY, Brigadier General.

The year 1863 was one of the dryest seasons Dakota had ever experienced since white men settled here. There was an interval of fifty days without rain. Sully's steamboats were literally hanging on sand bars one-half of the time between Fort Randall and Fort LaFromboise near where the state capitol now stands. The Shreveport and Belle Peoria were in the advance and did not reach LaFromboise until the first of August. The other boats came later. At this time Sibley had completed his Indian campaign and returned to Minnesota. Some of the boats had been compelled to leave a part of the cargo at Crow Creek, and after unloading at LaFromboise were obliged to make a second trip. Two of the originally chartered boats proved utterly worthless in the upper river and were abandoned, Sully having recourse to the law of necessity, took forcible possession of a number of light draft steamers returning from the mountains and with them he finally got all his supplies up to Pierre about the 12th of August, and had started the steamer Shreveport and Alone with supplies for a depot at Swan Lake, 100 miles ahead, where it was expected the army would find them. The forward movement was made the next day. So much time had been consumed that but a short campaign could be expected. Couriers from up the river had brought some meager information regarding Sibley's fight and the further information that the Indians were expecting Sully and would give him a hot reception. Sully's fighting force numbered about fifteen hundred men and he had reduced his wagon transportation to seventy-five. In fifteen days he had reached Long Lake Creek. Here Sully learned from an old decrepit Indian, that was found on the prairie, that Sibley had met the Indians only a short distance from the camp, and a detachment of troops were at once dispatched to ascertain whether the old Indian's narrative was reliable. The detachment found Sibley's camp and the battlefield just as described and learned further that the Indians had been driven across the Missouri, but had recrossed three days after Sibley left, opened the caches where their goods were stored, and had gone east probably to overtake and harass Sibley's rear. Sully immediately started in pursuit. This was on the 1st of September, and on the 3d, late in the afternoon, his scouts discovered one encampment of eight hundred to one thousand hostiles. The troops were then hurried forward, leaving a suitable guard for the supply train, and after a sharp ride of eight miles came upon a recently deserted Indian camp, the occupants having fled upon the approach of the troops; another mile brought the fugitives in full view; the troops galloped forward, and the battle opened without any formalities, our soldiers pouring in a deadly fire upon the enemy, which was valiantly returned. The Indians appeared to the soldiers in the twilight of evening as a dark struggling mass of beings, yelling, shouting, shooting and groaning.

Indians were now mainly concentrated in a narrow ravine, quite shallow, each side of which was flanked by the troops, who kept up a galling and destructive fire as long as it was possible to distinguish an Indian from a soldier. Orders then came to cease firing fearing the troops might fire into their own ranks, so intense was their fighting ardor, and the men bivouacked on the field. At daylight the following morning Sully expected to resume the battle but the enemy had quietly faded away during the night, abandoning everything that would impede his flight. The battlefield presented a soul-sickening sight. All the slain soldiers, nineteen in number, were horribly mangled and scalped, some of them tomahawked, indicating that they had been helplessly wounded, and some killed with the merciless hatchet during the night. Intermingled with our dead were the bodies of the Indians and horses, all a ghastly field to look upon, while for miles were tepee poles, folded lodge skins and thousands of packs of dried buffalo meat. No attempt was made to follow the fugitives, as they had evidently scattered in every direction, but a scouting party was sent out as a measure of precaution, and during the day Big Head, the chief, was captured and a large number of squaws and children and quite a number of braves. This scouting party was surprised on one occasion by running into a numerous body of fugitives, who came very near surrounding them, and were able to kill four of the cavalymen before the captain was able to extricate his command from its perilous situation. Sully had lost twenty-three in killed and thirty wounded, one of the wounded of the Nebraska Second dying a little later. A force of 200 men was detailed to gather up and burn the abandoned supplies of the Indians, saving what was necessary to subsist and shelter the Indian prisoners. Two entire days were consumed in this work, which shows the large quantity of stores, lodges, etc., destroyed. Sully estimated that the Indian loss would reach one hundred and fifty as learned from his prisoners, and the wounded were much more numerous.

This fight was called the battle of White Stone Hills, and in its sanguinary aspect was one of the bloodiest ever fought between our troops and the Indians. The additional destruction of the lodges and robes and provisions was a calamity that meant great suffering and possibly starvation for many of the hostiles. It occurred at a point on the Coteau de Missouri, about one hundred and fifty miles from Fort Pierre and sixty-five miles east of the Missouri—measured in a direct line.

Sully's command began their homeward march on the 5th of September. Rations were nearly exhausted, and fuel was difficult to obtain. Indian lodge poles were packed along to supply this latter, and with what could be gotten in the prairies, furnished a scant supply until the command struck the river. On the 14th of September the expedition reached Farm Island, three miles below Pierre, where a fort was constructed on the mainland and completed before winter. This fort was situated on the east side of the Missouri about eighty rods from the river and just below Farm Island. The north and south walls, 270 feet long, were composed of cottonwood pickets fifteen feet long, twelve feet above ground, while the soldiers' barracks and other buildings occupied the east and west sides and furnished the walls for those extremities. These were also 270 feet long. The buildings were of unhewn logs, about eight feet high, log and brush roof, covered with earth, which served every purpose as it was known that the rainfall was light. There were bastions in the southeast and northwest corners, where cannons were placed. It was not intended as a permanent post, but to furnish quarters for the winter to a few companies of volunteers, and a depot where the Government stores could be safely deposited and protected. It was named Fort Sully and was garrisoned by three companies of infantry and one of cavalry.

The commanding general soon after his return issued a proclamation to the people of the territory which is here given:

I feel it my duty, in order that you may be prepared against any dangers, to warn those who have settled in localities far removed from any neighbors, against any depredations of hostile Indians, and therefore to advise you so located, to be on your guard, or else remove



LITTLE CROW

Leader of the Indian revolt and war of 1862



WHITE STONE BATTLEFIELD MONUMENT, DICKEY COUNTY,
SOUTH DAKOTA

Battle occurred in September, 1863, General Sully in command

your families to points where two or more can be together for mutual protection. At the same time I do not wish to cause any unnecessary alarm. The late battle I had with the Indians near the headwaters of the James River, has scattered them in all directions. We destroyed all their camps, provisions, ponies, etc., and they must necessarily starve or steal this winter. Had not the low stage of water in the Missouri prevented me from having supplies, I would have been able to follow those murderers up and so end all troubles. As it is, no danger can be apprehended of any considerable number of Indians committing overt acts, and yet a few now and then, if they find you not on your guard, may rob and even do worse. I have already sent part of my command down the river. As soon as I can make arrangements for the establishment of a fort here I will be down with more of my troops, and will give you all the protection in my power.

ALFRED SULLY, Brigadier General.

This campaign appears to have satisfied the Indians that the Great Father could spare soldiers enough to chastise them severely, notwithstanding the great war for the Union then pending, and it destroyed the redmen's confidence in the strength of the southern emissaries who the winter previous had promised to expel the whites from the Missouri Valley. The beneficial effects of the campaign were not realized until the following and subsequent years, when it was discovered how completely the Indians had been disheartened and permanently weakened.

Had Sully been able to have reached Sibley before the termination of the latter's engagements, he would doubtless have inflicted serious damage upon the enemy while they were crossing the Missouri. His delay at Fort LaFromboise, near Fort Pierre, and other points, waiting for his boats, cost him thirty to forty days; but it is an open question whether the delay did not work more benefit than injury, for if Sibley's campaign was in any way a failure (which it was not), such failure was not attributed to lack of troops, but to the impossibility of engaging the Indians in anything more than a running fight, and they finally escaped across the river and out of harm's way. Here was Sully's only opportunity for inflicting damage. As the campaign resulted, and owing to Sully's delay, he was able a month later to find the hostiles who had escaped from Sibley, and inflict irreparable damage upon them at the battle of White Stone Hills, probably doing the enemy far greater injury by the destruction of his supplies than the severe chastisement he gave them. We know that east of the Missouri there were no further Indian troubles after Sully's campaign, and the campaign of 1864, which followed, was wholly directed against the Indians west of the river.

The number and tribes of the Dakotah or Sioux Indians that occupied a position of hostility to the United States at this time was ascertained shortly after the Little Crow uprising in Minnesota in 1862. They embraced the entire Dakotah nation, including the Yanktonnais of North Dakota, numbering about one thousand warriors; in Minnesota, or recently from that state, the Mdewakantons, the Wahpekutas, the Wahpetons and Sissetons. These Minnesota Sioux had been the chief actors in the Little Crow outbreak, and it is claimed numbered 1,200 warriors. These tribes occupied nearly all the Indian country east of the Missouri River except the Chippewa lands on Red River. West of the Missouri were about an equal number of the great Dakotah nation, made up of the Brules, Ogallalas, Sans Arcs, Uncpapas and some others. These were denominated the Teton Sioux and at this time were implacably hostile. They numbered about three thousand warriors. The Yanktons who remained friendly could muster about five hundred and seventy warriors.

OFFICIAL REPORT OF SULLY'S EXPEDITION, 1863

Report of Brig. Gen. Alfred Sully, United States Army, commanding expedition, September 3, 1863, battle of White Stone Hills, Dakota Territory:

Headquarters Northwestern Expedition.

Camp at Mouth of the Little Cheyenne River, September 11, 1863.

Major: The last report I had the honor to send you was from the mouth of this Little Cheyenne River, bearing date August 16, 1863, since which time my movements have been too rapid, and the danger of sending any communication such that it has been impossible for me to do so. I therefore have the honor to report my movements from last report up to date.

On the morning of the 19th of August, the steamer I was waiting for with supplies finally arrived. She was immediately unloaded, and all the baggage of the officers and men of the command was sent down by her to the depot at Fort Pierre, together with every man who was in the least sick or not well mounted. By this I reduced my force considerably, and was enabled to transport, with the wretched mules that had been furnished me, about twenty-three days rations and forage enough to keep these animals alive, depending on grass I might find to feed the cavalry and artillery horses. Luckily for me I found the grazing north in much better condition than I had dared to hope for. On the 20th we were visited by one of the most terrific rain and hail storms I have seen. This stampeded some of my animals, and a few were lost—they swam across the Missouri—and it also destroyed a quantity of my rations in the wagons, thereby causing me some delay in the march, but I succeeded in getting off on the afternoon of the 21st, and marched up the Little Cheyenne about eleven miles, the road being very heavy. The next day we marched only seven miles, camping at a slough on the prairie without wood. The next day we marched in a north-westerly direction to the outlet of Swan Lake. On the 24th we marched due north eighteen miles and encamped on a small creek called Bois Cache. Here we came into the buffalo country, and I formed a hunting party for the command, which I had soon to disband, as they disabled more horses than buffaloes. We continued our march north about twenty-two miles and reached a small stream called Bird Asche Creek. This day the hunters succeeded in killing many buffaloes, and reported that they saw Indians near the Missouri. Early on the morning of the 26th, I sent out a small scouting party, who captured two squaws and some children, and brought them in to me. These Indians reported that General Sibley had had a fight near the head of Long Lake and that they were on their way to the agency at Crow Creek, but were lost and were alone, but the scouts found tracks of lodges going up the Missouri. I therefore immediately detailed Companies F and K, of the Second Nebraska Cavalry, under command of Capt. D. LaBoo, ordering them to go to the Missouri and follow up the trail with orders to capture some Indians if possible and bring them in, so that I might get some information; if they could not do that to kill them and destroy their camps. I continued the march with the rest of the command that day, passing through large herds of buffalo and was obliged to make a march of thirty-five miles before I could reach water. The weather was very hot, and it was night before we reached camp on the Beaver River.

On the 27th I started late, having had some difficulty in crossing the river, making a march of five miles, still in a northerly direction, and encamped on another branch of the same river. Company K, of the Second Nebraska, joined me this day, having been separated from the other company. The next day we had to make some deviations to the west on account of hills and sloughs, and made the outlet of Long Lake, a march of some twenty miles. On the way we saw numerous signs of Indians in large numbers having been recently there, and found an old lame Indian concealed in the bushes, who was well known by many of the men of the command as having for some years resided near Sioux City. He had the reputation of being what is called a "good Indian." He stated that his horse had been taken away from him, and that he had been left there. He looked almost starved to death. He gave me the following details, which have since mostly turned out to be correct: He stated that General Sibley had fought the Indians at the head of Long Lake, fifty miles northeast from me, some weeks ago; that he followed them down to the mouth of Apple Creek; that the Indians attacked him on the way, and that there was some skirmishing. At Apple Creek Sibley had another fight, and that in all the fights about fifty-eight Indians were killed; that General Sibley fortified his camp at Apple Creek, and after awhile returned to James River; that a few days after General Sibley left, the Indians, who had their scouts out watching, recrossed the Missouri, and while doing so discovered a Mackinaw boat on the way down. They attacked the boat, fought the entire day, until sundown, sunk her, and killed all on board—twenty-one men, three women, and some children; that before she was sunk the fire from the boat killed ninety-one Indians and wounded many more; that a small war party followed Sibley some days; returned with the report that he had crossed the James River; then some of the Indians went north; the larger portion, however, went toward the head of Long Lake, and that he thought a portion of them were encamped on the Missouri River west of me.

This report was so much in keeping with the Indian mode of warfare that, though it came from an Indian, I was led to give it some consideration, particularly the part that stated the Indians, after watching Sibley's return, recrossed when all danger was over, and went back to their old hunting grounds. Besides, the guides who were acquainted with the country stated that "a large body of Indians could not live on the other side long without going a great distance west; that always at this season of the year the Indians camped on the Coteau, near the tributaries of the James, where the numerous lakes or springs kept the grass fresh; here the buffalo were plenty and the lakes and streams full of fish, and that here they prepared their meat for the winter, moving to the Missouri, where fuel was plenty, for the winter." I therefore determined to change my course toward the east, to move rapidly, and go as far as my rations would allow.

I felt serious alarm for the safety of Captain LaBoo, who had about fifty men with him, and who had already been out about two days without rations. I encamped here for the next day, and sent out four companies of the Second Nebraska and one of the Sixth Iowa, under command of Major J. W. Pearman, Second Nebraska, to hunt him up, and see

if there were any Indians on the Missouri. The next day, however, Captain LaBoo's company returned, having made a march of 187 miles, living upon what buffalo and game they could kill, scouring the country to my left, overtaking the camp of the ten lodges he was sent after, destroying them, but seeing no Indians. This same day, 20th, I sent two companies of the Sixth Iowa, to the mouth of Apple Creek. They reported on their return that they found the fortified camp of General Sibley, his trail, and his return trail toward the east; that they could see no signs of there having been any fight there, nor could they see the Mackinaw boat reported by the old Indian. This detachment was under command of Capt. D. W. C. Cram, Sixth Iowa Cavalry. The battalion of Major Pearman joined me before starting, having seen nothing, and after a march of ninety miles through a country with no wood whatever, but with good grass and plenty of lakes of the most abominable water, on the 3d of September we reached a lake, where, on the plains near by, were the remains of a very large number of buffaloes recently killed. Here I encamped to wait the reports of the commands I had out during the march, who every day discovered fresh signs of Indians, their lodge trails spread over the country, but all moving toward a point known to be a favorite haunt of the Indians. I had this day detailed one battalion of the Sixth Iowa, Major A. E. House, commanding, and Mr. Frank LaFromboise as guide, to keep ahead of me five miles, and in case they saw a small band of Indians, to attack them or take them prisoners. If they should find a large band, too large to successfully cope with, to watch the camp at a distance and send word back to me, my intention being to leave my train under charge of a heavy guard, move up in the night time, so as to surround them, and attack them at daybreak. But for some reason satisfactory to the guide, he bore off much to my left, and came upon the Indians in an encampment of over four hundred lodges, some say 600, in ravines where they felt perfectly secure, being fully persuaded that I was still on my way up the Missouri. This is what the Indian prisoners say. They also say that a war party followed me on my way up, in hopes of stampeding me, but this they could not do. I marched with great care, with an advanced guard and flankers; the train in two lines, sixty paces apart, the troops on each side; in front and center myself with one company and the battery; all loose stock was kept between the lines of wagons. In this way I lost no animals on the campaign except some few, about a dozen, that got out of camp at night; nor did the Indians during all the trip, ever attack me or try to stampede me.

Major House, according to my instructions, endeavored to surround and keep in the Indians until word could be sent me; but this was an impossibility with his 300 men, as the encampment was very large, mustering at least twelve hundred warriors. This is what the Indians say they had, but I, as well as everybody in the command, say they had over fifteen hundred. These Indians were partly Santees from Minnesota; Cutheads from the Coteau; Yanktonnais, and some Blackfeet who belong on the other side of the Missouri, and, as I have since learned, Uncapapas, the same party who fought General Sibley and destroyed the Mackinaw boat. Of this I have unmistakable proof from letters and papers found in the camp and on the persons of some of the Indians, besides relics of the late Minnesota massacre; also from the fact that they told Mr. LaFromboise, the guide, when he was surrounded by about two hundred of them, that "they had fought General Sibley, and they could not see why the whites wanted to come to fight them, unless they were tired of living and wanted to die." Mr. LaFromboise succeeded in getting away from them after some difficulty, and ran his horse for more than ten miles to give me information, Major House with his command still remaining there. He reached me a little after 4 o'clock. I immediately turned out my command. The horses at the time were out grazing. At the sound of the bugle the men rushed with a cheer, and in a very few minutes saddled up and were in line. I left four companies and all the men who were poorly mounted, in the camp, with orders to strike the tents and corral all the wagons, and starting off with the Second Nebraska on the right, the Sixth Iowa on the left, one company of the Seventh Iowa and the battery in the center, at a full gallop, we made this distance of over ten miles in much less than an hour.

THE BATTLE

On reaching near the ground I found that the enemy were leaving and carrying off what plunder they could. Many lodges, however, were still standing. I ordered Col. W. R. Furnas, Second Nebraska, to push his horses to the utmost, so as to reach the camp and assist Major House in keeping the Indians corralled. This order was obeyed with alacrity, the regiment going over the plains at a full run. I was close upon the rear of the regiment with the Sixth Iowa. The Nebraska took to the right of the camp, and was soon lost in a cloud of dust over the hills. I ordered Col. D. S. Wilson, Sixth Iowa, to take to the left, while I, with the battery, one company of the Seventh Iowa, Captain A. J. Millard and two companies of the Sixth Iowa, Major TenBruck commanding, charged straight to the center of the encampment. I here found an Indian chief by the name of Little Sable, with some few of his people. This Indian has always had the reputation of being brave and Indian and friendly. I placed them under guard and moved on. Shortly after I met the notorious chief, Big-Head, and some of his men. They were dressed in a manner my men cut them off. These Indians, together with some of their warriors, were

about thirty, together with squaws, Indian ponies, and dogs, gave themselves up, numbering over one hundred and twenty human beings. About the same time firing began about a half mile ahead of me, and was kept up, becoming more and more brisk until it was quite a respectable engagement. A report was brought to me, which proved to be false, that the Indians were driving back some of my command. I immediately took possession of the hillocks near by, forming line, and placing the battery in the center on a higher knoll. At this time night had about set in, but still the engagement was briskly kept up, and in the melee, it was hard to distinguish my line from that of the enemy. The Indians made a very desperate resistance, but finally broke and fled, pursued in every direction by bodies of my troops. I would here state that the troops, though mounted, were armed with rifles, and according to my orders, most of them dismounted and fought afoot until the enemy broke, when they remounted and went in pursuit. It is to be regretted that I could not have had an hour or two more of daylight, for I feel sure, if I had, I could have annihilated the enemy. As it was I believe I can safely say I gave them one of the most severe punishments the Indians have ever received. After night set in the engagement was of such a promiscuous nature that it was hard to tell what results would happen; I therefore ordered all the buglers to sound the "rally," and building large fires, remained under arms during the night, collecting together my troops. The next morning early I established my camp on the battlefield; this was the 4th, the wagon train under charge of Major Pearman, Second Nebraska, having in the night been ordered to join me, and sent out strong scouting parties in different directions to scour the country to overtake what Indians they could, but in this they were not very successful, though some of them had some little skirmishes. They found the dead and wounded in all directions, some miles from the battlefield; also immense quantities of provisions, baggage, etc., where they had apparently cut loose their ponies from "travois," and got off on them; also large numbers of ponies and dogs, harnessed to "travois," running loose on the prairie. One party that I sent out went near to the James River, and found there eleven dead Indians. The deserted camp of the Indians, together with the country all around, was covered with their plunder. I devoted this day together with the following, the 5th, to destroying all this property, still scouring the country. I do not think I exaggerate in the least when I say that I burned up over four hundred thousand to five hundred thousand pounds of dried buffalo meat as one item, besides 300 lodges, and a very large quantity of property of great value to the Indians. A very large number of ponies were found dead and wounded on the field; besides a large number was captured. The prisoners, some one hundred and thirty, I take with me below, and shall report to you more specially in regard to them.

The surgeon of the Second Nebraska Cavalry, Dr. Bowen, who has shown great energy and desire to attend to his duties during the campaign, started out during the night of the engagement with a party of fifteen men, to go back to the old camp to procure ambulances. But as they did not return on the morning of the second day, I knew that he was either lost or captured. (He returned about noon of the second day.) I therefore sent out small scouting parties in every direction to hunt them up. One of these fell into an ambuscade, by which four of the party were killed and the rest driven in. I immediately sent out five companies of the Nebraska Regiment, Colonel Furnas in command, who after a long march, found that the Indians had fled. They succeeded, however, in overtaking three concealed in some tall grass, whom they killed. The fight has been so scattered, the dead Indians have been found in so many different places, that it is impossible for me to give an accurate report of the number killed of the enemy. I, however, think I am safe in reporting it at 100. (I report those that were left on the field and that my scouting parties found.) During the engagement, for some time, the Second Nebraska, afoot and armed with rifles (and there are among them probably some of the best shots in the world), were engaged with the enemy at a distance not over sixty paces, pouring on them a murderous fire in the ravine where the enemy were posted. The slaughter, therefore, must have been immense. My officers and the guides I have with me think that 150 will not cover their loss. The Indian reports make it over two hundred. That the general may know the exact locality of the battlefield, I would state that it was as near as I could judge, about fifteen miles west of James River, and about half way between the latitudes of Bone Butte and headwaters of Elm River, as laid down on the government map. The fight took place near a hill called by the Indians White Stone Hill.

In conclusion I would state that the troops of my command conducted themselves well; and though it was the first fight that nearly all of them had ever been in, they showed that they are of the right material, and that in time with discipline they will make worthy soldiers. It is to be regretted that we lost so many valuable lives as we did, but this could not be helped; the Indians had formed a line of battle with good judgment, from which they could be dislodged only by a charge. I could not use my artillery without greatly endangering the lives of my own men; if I could, I could have slaughtered them. I send you accompanying the reports of Colonel Wilson, Sixth Iowa, and Colonel Furnas, Second Nebraska, also official reports of killed and wounded, and take this occasion to thank both those officers for the good conduct and cheerfulness with which they obeyed my orders on this occasion. Both of them had their horses shot in the action. I would also state that the several members of my staff rendered me every possible assistance.



CHEYENNE VILLAGE ON THE
YELLOWSTONE



IRON BULL, CHIEF OF THE CROW
NATION



CHEYENNE WARRIORS IN FANCY
COSTUMES, AND ARMED



TITON SIOUX, IN COUNCIL COSTUME
AND WAR BONNETS

On the morning of the 6th I took up my line of march to Fort Pierre. If I could have remained in that section of country some two or three weeks I might have accomplished more; but I was satisfied from the reports of my scouts that the Indians had scattered in all directions—some toward the James River; some, probably the Blackfeet, to recross the Missouri; and a part of them went north where the Indians say they have friends among the half-breeds of the North. My rations were barely sufficient with rapid marches to enable me to reach Fort Pierre. The animals, not only the teams I have reported to you as worthless, but also the cavalry horses, showed the effect of rapid marching and being entirely without grain. I brought with me all the prisoners I had, and tried to question them to gain some information. The men refused to say more than that they were "good Indians," and the other bad ones joined their camp without their will. The squaws, however, corroborate the report I have already given you in regard to the destruction of the people on board the Mackinaw boat and the fights with General Sibley, in which these Indians had a part. They also state that these Indians, after re-crossing to this side of the Missouri, sent a party to follow Sibley until he went to the James River, then returned to their camp near Long Lake to procure a large quantity of provisions and other articles they had cached there, and then came to the camp where I met them.

After marching about one hundred and thirty miles I reached the mouth of the Little Cheyenne on the 11th, where I found the steamboat I had ordered to be there on the 8th instant. It was lucky she was there, for without the grain she brought up I could not have brought my empty wagons back, for some miles north of the Cheyenne and to Pierre the grass now is about all gone. I placed my wounded on the boat, and as many empty wagons as she could carry. I am afraid the loss of horses and mules will be considered very great, but it could not be helped. When I found it impossible for the rear guard to get an animal along, I ordered it killed, to prevent its falling into the hands of the enemy.

Very respectfully, Major, your obedient servant,

ALF SULLY,

Brigadier General, Commanding.

MAJOR J. F. MELINE,

Actg. Asst. Adjt. Gen., Department of the Northwest.

P. S.—By actual count the number of my prisoners is 156; men 32, women and children 124. I would also beg leave to say that in the action I had of my command between 600 and 700 men actually engaged. My killed number, as far as ascertained, 20; wounded, 38. Lieut. Thomas J. Leavitt, Sixth Iowa, was mortally wounded in the night engagement on the 3d. The Sixth Iowa lost 11 killed and 21 wounded; the Second Nebraska, 6 killed and 13 wounded.

Major House of the Sixth Iowa Cavalry, who was sent forward with a battalion of his regiment to locate the Indians who had been reported some ten miles away, performed that duty speedily, came upon a large encampment of Indians, whom he located, and immediately dispatched a messenger to General Sully with the information. In the meantime Major House made an excellent disposition of his troops ready for battle should the enemy attack him. While these preparations were being made, a delegation of the Indians came in under a flag of truce and attempted negotiations. They offered to surrender some of their chiefs; but as Major House did not know who was vested with authority, he demanded the unconditional surrender of all. This the Indians refused to do, and having sent away their squaws and papooses, together with their stock of provisions, they placed themselves in battle array. In the meantime the messengers sent to General Sully had safely reached their destination and delivered their message and the general, as he relates in his report, lost no time in preparing for the march. He was ten miles from the Indian camp but he covered the distance with his cavalry, he says, in less than one hour. The day was waning. The advance, led by the Second Nebraska Cavalry, under Colonel Furnas, joined House and the battle was on. Furnas, in his report, which contains most of the details of the battle, says:

On approaching the Indian encampment, I found House's Battalion drawn up in order of battle on the north side, and on reconnoitering the enemy's position perceived that the Indians were leaving as fast as possible. I immediately ordered Major House to pursue on the left flank of the enemy, while I, with the Second Nebraska, moved on their right flank. I immediately formed my men in line of battle. As the enemy was then situated and my men formed, I intended to have advanced the Second Battalion, Companies B, G, I and M, commanded by Captain LaBoo, Major Pearman having been left in command of the camp, with the First Battalion commanded by Maj. J. Taffe, and await further orders from the

general commanding. As it was then nearly dark I felt that time was precious, and if anything was to be done that night it must be done speedily, and made up my mind to attack the enemy immediately. I therefore changed my plan of operations. I ordered Major Taffe with his battalion to proceed to the head of the ravine in which the enemy was posted, to cut off their retreat in that direction, which order was promptly executed, and his command formed in line awaiting further orders. I then ordered the Second Battalion to advance directly upon the enemy, which it did. Major Taffe then, by my order, came forward, the line of the two battalions forming an obtuse angle. When within 400 yards I ordered my men to dismount, and after advancing 100 yards nearer, ordered the Second Battalion to open the battle by a volley from the Enfields, which they did with precision and effect, creating quite a confusion in the enemy's ranks. At this time I perceived what I supposed to be House's Battalion, about $1\frac{1}{2}$ miles distant, advancing upon the enemy's rear. In the order in which my line was now formed, I advanced upon the enemy, pouring upon him as I advanced a fire from my whole line, which was immediately and vigorously returned by the Indians. When within thirty yards of the enemy's lines, I ordered a halt in rear of a slight elevation of ground, in front of which was a ravine in which the Indians were posted. The fight now became general and my whole line was hotly engaged. At this juncture, what I supposed to be House's Battalion (as it was now quite dark) advanced and commenced an attack on the enemy's left. As they were now formed, and fearing that the Indians would attempt to escape by way of a ravine a short distance beyond the left of my line, or get in my rear the same way, I ordered Major Taffe to extend the left wing of my line, in order to cover this supposed outlet for the Indians with my guns. The battle now raged with great fury for some time on both sides. The enemy successively, by a desperate charge, attempted to turn my right and left flanks, but they were repulsed with slaughter. They fell in every direction in front of my line by the unerring aim of my brave soldiers, who, both officers and men, fought with the courage and coolness of veterans, exposed as they were to a galling fire from the enemy during the whole time. At this juncture I became convinced that House's Battalion, mistaking my command for Indians in the darkness, were firing into them. I therefore ordered my men to fall back out of range of House's guns and mount their horses, as the Indians were now in a rout and were fleeing out of range of my guns up a ravine some distance to the front. The horses becoming alarmed, and to a considerable extent unmanageable for a short time, created a slight confusion as the men were in the act of mounting, but it was only momentary, as my squadrons were in a few moments again formed in line on the crest of a hill some two hundred yards in the rear of my last line of battle, mounted and ready to follow up the victory, as the enemy were fleeing, leaving everything behind them. But it being very dark, and in view of the position of the Sixth Iowa, I deemed it imprudent to attempt a pursuit before morning, as it was then 8.30 or 9.00 P. M. Having no means of communicating that night with the general commanding, I ordered my men to dismount and lay on their arms, holding their horses, until early dawn, when I marched from the battle ground of the previous evening and went into camp about one mile from it and at the upper end of the Indian encampment. On passing over the ground of the recent encampment of the Indians and of the battle, I found that the enemy had abandoned all their tents, clothing, cooking utensils, valuables, supplies, in fact, everything they possessed was strewn over the ground of their retreat for miles. Their flight had been so precipitate that they had abandoned everything but their dead, whom they carried away as fast as they fell. Their rout was so complete and their flight so sudden that many of their children were left behind on account, as I supposed, of their being an incumbrance to their flight. From the best information derived from guides, the enemy's strength was not less than one thousand warriors. Their loss in killed will not fall short of one hundred and fifty, as scouts sent out the next day after the battle report their dead as scattered over the country for miles on the line of their retreat, and their wounded is twice that number. The casualties in the Second Nebraska Cavalry are two killed, thirteen wounded and ten missing men. I found among the effects of the Indians *Mimic* rifles and rifle cartridges; also several boxes of army revolvers and rifle cartridges were found, and various other articles, some of which were undoubtedly taken from the whites in the late Minnesota massacre. The enemy was composed of Santees, Brule, Yanktonnais and Blackfeet Sioux and Cuthead Indians and were evidently the same Indians with whom General Sibley had a recent engagement on Apple Creek. The Indians are now destitute of supplies, clothing, and almost everything else, they having abandoned all except their clothing and arms. Many of the former were, however, killed or captured during the battle. I would have pursued the enemy the following morning after the battle had it not been for the exhausted condition of my men and horses.

The officers and men under my command are not only entitled to my thanks, but the confidence of their country for their bravery, efficiency and promptness on this occasion. Not a man in any capacity flinched a particle. My special thanks are due to Adj. Henry M. Atkinson, Regimental Quartermaster J. S. McCormick and Commissary Lieut. J. Q. Goss for valuable services rendered me immediately preceding and during the engagement. All of which is respectfully submitted.

R. W. FURNAS,

Colonel Second Nebraska Cavalry.

CAPT. JOHN H. PUL,

Adjutant General Indian Expedition.



HON. CHARLES H. MCINTYRE
Yankton, 1866



JOHN H. SHOBER
Pioneer of Bon Homme, 1858



LABAN H. LITCHFIELD
United States marshal, 1867 to 1875



CAPTAIN FRANK M. ZIEBACH
Founder of the Weekly Telegram,
1861. In command of light at Yankton
during the Indian War of 1862.

The report of Col. David S. Wilson, of the Sixth Iowa, adds very little to the details of the battle not mentioned in the report of Major House, also of the Sixth, already given. Colonel Wilson was engaged in the battle with the First Battalion of his regiment, the Second remaining at Brigade headquarters, and House having the Third. Arriving at the battlefield, Wilson says in his report:

I then proceeded to carry out your orders to surround the Indians and drive them in. On every side of the battlefield were straggling Indians endeavoring to escape. Immediately joining the flank of the First on the Second Battalion, and marching both in line, we succeeded in driving a large portion of the Indians toward your headquarters down into a ravine. By the shifting and dressing of the line as it marched I became detached from the First and was thrown into the Third Battalion. The Indians, after having been quietly driven quite a distance into a common center, availed themselves of the darkness that was coming by suddenly firing upon us, which fire, though entirely unexpected, was immediately returned by us with terrible effect. We then commenced making preparations to fight on foot, when the darkness became so impenetrable that it was impossible to proceed further. It was at this fire of the enemy, when riding some little distance in advance of the battalion that my horse was shot with a slug, fatally wounding him. He lived long enough to carry me about thirty rods. After the darkness set in we went into camp immediately on the battlefield, corralled our horses and threw out pickets, while the command slept upon its arms. The night was excessively dark and cold, but the picket guard killed two Indians that were found straggling near our camp. At length the day appeared, when we found that the enemy, availing themselves of the darkness, had suddenly decamped, but leaving the country strewed for miles around with their dried meats, provisions, packs, robes, tepees, goods and ponies.

We lost in this engagement one commissioned officer, Lieut. T. J. Leavitt, of Company B, ten privates and had eleven wounded, one of them since dying.

Colonel Wilson then mentions Acting Maj. J. Gallagher, Capt. A. B. Moreland, Lieut. W. A. Heath and Serg. R. Aubrey also Capt. J. Logan and Lieut. S. M. Parker and Capt. T. W. Burdick as entitled to the highest praise. Wilson also pays a deserved tribute to the Third Battalion and to their "brave Major House." Also to Lieut. George E. Dayton, of Company C, and Serg. Maj. Charles W. Fogg for bravery during the night of the battle, and also going out in charge of a detail searching for wounded men upon the battle field. Wilson also speaks highly of the commanding general and his successful management of the campaign in the face of many discouragements and difficulties consequent upon the drouth and many unavoidable but serious impediments. In concluding his report Wilson says:

I herewith enclose a couple of letters that were found upon an Indian by some of my regiment. Inclosed in one were two gold dollars and some gold dust. They seem to corroborate the story that the Indians in July last surrounded a Mackinaw boat descending the Missouri River from the gold mines, and after fighting with the crew all day succeeded in killing the entire number.

Skirmish at White Stone Hill—Report of Lieutenant Hall, in command of scouting expedition sent out by General Sully, after Battle of White Stone Hills. September 5th.—Skirmish with Indians near White Stone Hills.

Headquarters, Company F, Second Nebraska Cavalry, Camp No. 41,

Dakota Territory, September, 1863.

Captain:—In compliance with orders from Brigadier General Sully, commanding Indian expedition, I proceeded, on the morning of September 5, 1863, with twelve men of the Second Nebraska Cavalry and fifteen men from the Sixth Iowa Cavalry under my command, on a scout in search of Surgeon Bowen, Sergeant Newcombe and eight others missing from the Second Nebraska Cavalry after the battle of White Stone Hill on the 3d instant. I proceeded in a northeasterly direction from the battlefield, and when fifteen miles distant therefrom I was attacked by a party of some three hundred Indians, and seeing that I could not successfully resist their attacks, I retreated slowly, returning the enemy's fire until my command was so closely pressed by the enemy that the men increased the rapidity of their retreat, without orders. I attempted to halt them several times, but unsuccessfully. The enemy all the time pressed closely on my rear, and also endeavored to cut off my retreat in camp, from which I had started in the morning, and at which I had arrived with the remainder of my command about 12.00 M. that day, the enemy pursuing to within four miles of the camp. The casualties on this scout were six men and four horses killed. Sergeant

Blair, Company K. Second Nebraska Cavalry, Sergeant Rogers, Sgt. S. N. Smith and Sgt. Isaac L. Winget, of the Sixth Iowa Cavalry, assisted me in my efforts to control the men and check their hasty retreat.

The following is a list of the killed under my command. (In a footnote is stated, names omitted, list shows six killed.)

I discovered no trace of the missing of whom I was in search, who, however, returned to camp a short time after my return and on the same day. The men under my command succeeded while retreating in killing six Indians and four ponies and wounding many others, the number not known.

All of which is respectfully submitted.

CHARLES W. HALL,

First Lieutenant Company F, Second Nebraska Cavalry, Commanding Detachment.
CAPT. JOHN H. PEEL,
Assistant Adjutant General.

CHAPTER XXVIII

MINNESOTA INDIANS REMOVED TO DAKOTA

1863

FRIENDLY INDIANS FORCED TO LEAVE MINNESOTA—SANTEES AND WINNEBAGOES REMOVED TO CROW CREEK, DAKOTA—FORT THOMPSON BUILT—THIRTY-EIGHT SANTEES ON THE SCAFFOLD—CAUSES OF THE INDIAN WAR—ENCOURAGED BY THE CONFLICT BETWEEN THE NORTH AND SOUTH—INDIANS NATURALLY UNFRIENDLY TO WHITE RACE—DEATH OF LITTLE CROW—THE WEISMANN MASSACRE—DIRT LODGES ON JAMES RIVER—HEART RIVER TRAGEDY—JACOBSON KILLED AT JAMES RIVER FERRY—APPOINTMENTS—PROCLAMATION BY ACTING GOVERNOR—NEWTON EDMUNDS APPOINTED GOVERNOR OF DAKOTA.

The Indian massacres in Minnesota during August, 1862, had left such a deep-seated sentiment of animosity in the minds of the white people of that state as to demand the wholesale removal of all Indians beyond the borders of Minnesota. The sentiment was so intensely bitter that it awakened the anxiety of the authorities for the safety of the friendly Indians who had not been engaged in any act of hostility for a generation. The settlers had organized in the vicinity of the reservations with the avowed purpose of killing any Indian that should get within range of their guns. It was therefore determined to remove the Indians to Dakota, and the order for their removal and the execution were practically simultaneous, for while an agent was ascending the Missouri River to select a location for them, about one thousand five hundred of the exiled race of both sexes and all ages belonging to the Santee tribes were loaded on the steamboat Florence and started for their new homes not yet selected. The people removed were that portion of the tribe of Santee Sioux who had not been openly engaged in the Little Crow hostilities, and the Winnebagoes, who were known only as friendly Indians, not having been even suspected of a hostile act. The Winnebagoes, however, were sent overland.

Col. Clark W. Thompson, superintendent of Indian affairs for the Northern Superintendency of Minnesota, reached Yankton on the 15th of May, 1863. His mission was to select a reservation in Dakota for the Santees and Winnebagoes who had been banished from Minnesota. The Winnebagoes had quite recently sold their Minnesota reservation to the government and had been promised that another should be given to them in that state. But the recent massacres had engendered such bitterness of feeling on the part of the whites, that to settle them again within the state was deemed equivalent to a death sentence, and to secure their own safety their removal beyond the state's boundary was urgently demanded. It was also believed that their settlement in Minnesota would prove a constant and serious barrier to immigration.

The exiled Santees were those who were found to have taken no part in the late Little Crow outbreak, including largely the aged squaws and the children, but they were under the ban of a deadly hatred and for their own security they were removed. Colonel Thompson proceeded up the Missouri expecting to find a suitable location within a short distance of the Yankton reservation, and not far above Fort Randall, on this side of the river. This he was unable to do, and discovered no country he was willing to accept until he reached the vicinity of

Crow Creek. Although this Crow Creek country had been ceded, it was within the authority of the President of the United States to withdraw any portion of it from settlement and set it apart for reservation purposes. The superintendent made his selection at this point, marking out a reservation with a frontage on the Missouri River of thirty miles and extending back from the river over a fine body of tillable land to the highlands, embracing about one half million acres. Work was commenced without delay in making the improvements demanded for the care of the Indians. A detachment of sixty soldiers from Fort Randall had been detailed to erect the various buildings, and these were under the special direction of Colonel Thompson.

The agency stockade was laid out in a square 300 feet on each side, and around this area a ditch was dug three feet wide and three feet deep. In this ditch were set cedar posts or pickets fifteen feet long, which gave a wall twelve feet above the surface of the ground. Within the stockade there were two stores and a warehouse on the west side and close to the pickets. On the north was the schoolhouse for the Winnebagoes; the interpreter's quarters, the agent's quarters and the doctor's rooms, and on the northeast corner, the soldiers' barracks. On the east side were the boarding house, blacksmith shop, wagon maker's and carpenter's shop. On the south were the Sioux Indian buildings—one surgeon's quarters, two agent's quarters, interpreter's quarters for three, and four schoolhouses, with barracks for soldiers in the southwest corner. On the northwest and southwest corners of the stockade, bastions were constructed, outside the pickets, on which cannon were stationed. Openings were made in the pickets of the stockade, eight feet from the ground, large enough to admit the barrel of a rifle, to be used in case of attack. Gates were provided in the north and south sides of the same material as the pickets. The stockade was located about one-half mile from the river, the intervening bottom being well timbered. The site of the fort was on an elevation, a very attractive spot, and near it outside the pickets was the sawmill in the edge of the forest. In addition to these structures, a large area of land was broken up in the vicinity of the agency where the Indians could carry on such farming operations as they were capable of conducting. Many of them had gained considerable knowledge of farming in Minnesota.

Two weeks later, on the 26th of May following Thompson's arrival, the steamer *Florence* halted at Yankton a few hours, having on board 1,400 Santee Sioux, largely families, and men, women and children, on their way to their new home. They had been hurried away from Minnesota to save their lives. Their appearance indicated suffering and it was the opinion of some Yankton visitors to the shore where the boat lay that there was not an Indian on board that could be said to be free from some malady.

[The reader will need to refer to this chapter after reading of the Crow Creek difficulties under President Cleveland's administration, 1885.]

They were dejected, despondent, broken-hearted and their appearance indicated all this with the added discomforts and deprivations to which they were necessarily subjected on the crowded boat, suggesting animals rather than human beings.

The Winnebagoes had not been subjected to this indignity but were permitted to move across the plains with their ponies and tepees and accomplished the journey leisurely and without mishap.

The military authorities captured a large number of the Santees who were suspected of taking part in the outbreak under Little Crow. These were tried by court martial for murder and ninety of them convicted and sentenced to be hanged. President Lincoln commuted the sentence of fifty-two of them, and the remaining thirty-eight were hanged all at the same time at Mankato, on Friday the 26th day of December, 1862, while a much larger number had been sentenced to imprisonment for various periods.

A description of the final tragedy in the lives of these condemned savages was given in a letter from Mankato, under date of December 29, 1862, only a

portion of which is given here: "At half past seven Friday morning preparations were begun for execution. The irons were knocked off from the condemned men and their elbows were pinioned behind and their wrists in front, but about six inches apart. After this was done they stood up in a row around the room and sang a death song, after which they smoked. A priest then came in and religious services were held, which sensibly affected the Indians; some of them were weeping. White caps were then put on their heads, made of muslin taken from the Indians when captured, who had previously taken it from the stores of the traders they had killed. They were all now seated, and some of them gazed into the small looking glasses each one carried, evidently to take a last look and discover whether their faces betrayed any fear. At 10 o'clock they were marshaled in procession and marched through a file of soldiers to the gallows, which had been so constructed that all could be hanged at one time. They marched eagerly and even cheerfully to the fatal spot. As they ascended the scaffold they chanted a death song that was truly hideous, although it seemed to inspire them with new courage. One young fellow who had been given a cigar just before marching from their quarters, was smoking it on the gallows, puffing away very coolly during the intervals of the 'lu-gi-ye-hi-yi-yi,' and even after the cap was drawn over his face he managed to get the cap up over his mouth and smoke. Another one smoked a pipe. The noose having been promptly adjusted over the neck of each, all was ready for the fatal signal. The scene at this time was one of awful interest. A painful, breathless suspense held the vast crowd which had collected from all quarters to witness the execution. Three slow, measured and distinct beats of the drum, and the rope was cut and the scaffold fell, and 38 bodies were dangling at the end of as many ropes. One of the ropes gave away and the body of Rattling Runner fell to the ground. He showed little signs of life and his neck had probably been broken, but he was hanged again. For so many there was evidently but little suffering. The necks of all were probably dislocated, and there was little struggling. When the drum beat, numbers of them reached out and clasped the hands of their neighbors and continued to hold them vise-like until the bodies were cut down, which was done in twenty minutes after the scaffold fell, the surgeon pronouncing life extinct. The bodies were then cut down, placed in four army wagons and taken to the grave prepared for them among the willows on the sandbar in the Minnesota River, nearly in front of the town. They were all placed in one grave, thirty feet long by twelve feet wide and four feet deep, being laid on the bottom in two rows, their feet together, their heads on the outside. They were then covered with their blankets and the earth thrown over them. Some few squaws witnessed the execution, but no male Indian."

Major F. J. Dewitt was appointed by Acting Governor Hutchinson to the position of trader at the new agency, which was named Fort Thompson, as a compliment to its founder. By virtue of his office, the governor was superintendent of Indian affairs for Dakota and had the appointment of the agency traders. Hutchinson was now acting governor, William Jayne, former governor, having resigned March 4th, to take his seat as delegate in Congress from Dakota.

The immediate cause of the serious Indian trouble and Indian wars, beginning in August, 1862, with the "Little Crow Massacre" in Minnesota, was attributed to the alleged dishonesty and peculations that characterized the official conduct of Indian affairs in our neighboring state. At the time of the outbreak in the summer of 1862, and for some time after, circumstantial statements were published showing that gross frauds had been perpetrated in connection with the annuities furnished the Indians by the general Government, and it was claimed that these nefarious practices became so gross and heartless that the agency Indians were reduced to a condition of actual starvation, and that the outbreak was "the turning of the worm" who had been trodden upon until its life was

nearly crushed out. The Indians engaged in the bloody work under Little Crow were regarded as a semi-civilized tribe, and as friendly to the white people as any of the Sioux nation. They were not professing Christians, but well advanced in the way to become a civilized people. They had largely abandoned the nomad life and were in many cases settled in their own homes, raised horses and cattle, and cultivated the soil. They had, in great part, forsaken the blanket and put on apparel similar to the palefaces, and for many years had been accustomed to associate familiarly with the whites. Suddenly all this was changed. In a few brief weeks these apparently civilized Indians were transformed from a harmless and inoffensive people to hostile demons thirsting for the blood and the lives of their old neighbors, slaying without discrimination the old and young, men and women, with all the ferocity of savage beasts. It is difficult to realize that these monsters of cruelty could have ever been sincerely friendly to the whites. Had their deadly animosity been directed only toward the individuals whom they charged with robbing and wronging them, and when these were dispatched the outrages had ceased, it might well be claimed that their hatred did not extend to all white people, but such was not the case. Every person who wore the skin of the paleface was marked for slaughter, and above five hundred perished—put to death by the most cruel tortures the savage could devise. It must be remembered, too, that this Little Crow outbreak was apparently the signal for hostilities over all the Northwest, from the Mississippi to the Rocky Mountains and as far south as Southern Kansas, and within a very brief period of time the Sioux, almost without exception, had changed their attitude from one of apparent friendship to that of implacable hostility. It would seem that the widespread revolution of sentiment was due to a cause that appealed alike to the Indian nature, regardless of location or local conditions.

For a great many years prior to the Minnesota, or Little Crow, outbreak, the Dakotah nation of Indians had manifested no unusual signs of hostility, with the exception of the Spirit Lake massacre in 1857, which was the act of a roving band of outlaws bent on rapine and not in retaliation for any particular grievance, nor was it openly counseled or approved by the tribe to which the outlaws belonged. Regarding this atrocity a brief historical sketch of the massacre, compiled under the auspices of the State Historical Society of Minnesota, relates:

Among the Indians (Sioux) there was a single band under the leadership of Ink-pa-du-ta, or the Scarlet Point, of about fifteen lodges which had been for many years an independent band, and of a thieving, vagabondish character (really outlaws from the Sioux nation and not represented in the treaties of 1851) who had taken possession of a strip of land running on both sides of the boundary line of Iowa and Minnesota, and extending to the Missouri River. In March, 1857, a few of these Indians were hunting in the neighborhood of Rock River, and one of them was bitten by a dog belonging to a white man. The dog was killed by the Indian, and in return the owner of the dog made an assault upon the Indian, and afterward gathered his neighbors and they went to the Indian camp and disarmed them. The arms were afterwards returned to them, and the party moved northeast, arriving at the Spirit Lake Settlement about the 6th of March, where they massacred the men and took four women into captivity. Other settlements were attacked and altogether forty-two settlers were killed. Two of the women were afterwards rescued through the efforts of Hon. Charles E. Flandreau, then the Indian agent. An effort was made to punish this band of savages, but all escaped except the oldest son of Ink-pa-du-ta, who had ventured into the camp of other Sioux near the agency and was killed in an attempt to capture him.

This statement is sufficient to show that the Sioux generally were not inclined to hostilities.

The Dakotahs were on a peace footing with the "Great Father," though at war with other nations, such as the Mandans, Gros Ventres and Rees. This hostility, however, was hereditary, and did not seriously interfere with the whites. So far as the Government was concerned, the attitude of the Dakotahs was one of peace and an apparent desire for a continuance of peaceful relations

such as then existed. It is safe to believe, however, that this attitude was not one of unswerving loyalty or sincere friendship for the paleface people. It may be assumed that the Indians as a body had never entertained a sentiment of sincere and substantial friendship for the white people.

The important matters of intercourse between the races had not been of a character that would cultivate such a feeling on the part of the great majority of Indians, but there had been several centuries of acquaintance and a sort of relationship which would seem to indicate that the Indians looked upon the whites as their enemies, implacable in their animosity. Viewed from the Indian standpoint this belief was justified by all the important transactions between the races from the earliest white settlement on this continent to the present time. The white race had been the aggressor, unavoidably and providentially so as we justify it, and had taken from the Indians their country, deprived them of their homes and compelled them from time to time to relinquish their domain, give up their abodes, their life-long cherished valleys and streams and hunting grounds, abandon the graves of their ancestors and all that a people, whether savage or civilized, held most dear and sacred, and cherished with a tenacity that is as enduring as life itself; and find solace for their great and unwilling sacrifice in a few paltry dollars, beads and blankets, that were a sorry exchange for the mines of wealth in furs and peltries, in plains and rivers and forests, yielded up by the native race. The history of the intercourse between the white and red races in America has been distinctly marked by might and wrong on the part of the whites as the Indians look upon it, and being so it could not be expected that the status of the Indian toward the pale face could be other than antagonistic.

That this has been the unavoidable result of a destiny which human forces could not have controlled, does not change the conditions from the view point of the Indian, who with feelings of bitter resentment sadly realizes that the white man's hand has clutched the red man's throat for centuries, and has gradually forced him back and narrowed the circle of his domain.

But these centuries of unprofitable intercourse and sad experience had taught the Indian the futility of resisting his aggressive and powerful enemy. He had tried armed resistance over and over again, and never with success except it might be a temporary triumph over a feeble settlement for which he had to make redress by being outlawed and hunted as a mad wolf, driven to the verge of starvation and not infrequently to actual starvation and complete destitution. Guided by this sad experience the Indians as tribes were peacefully inclined, and the councils of their chiefs and leading men were directed to the maintenance of amicable relations with the whites. So much so was this the case in Dakota that until a few years prior to the great Indian war beginning in 1862, this Government made no effort to erect or maintain a military post or keep a company of soldiers, in all this northwest region, although exploring parties and scientific expeditions were annually traversing the Indian country in many directions unmolested.

In addition the hereditary and racial animosity of the Indians toward the whites, which was ineradicable, there was another and a lesser cause that gave ground for and provoked serious difficulties and was the source of constant irritation, constant complaint and an incitement to many bloody revenges. This was the dishonesty of those whites who had dealings with the Indians under the permission and protection of the Great Father, and the occasional dishonesty also of those appointed to and intrusted with the discharge of the duties and responsibilities which the Government in good faith had undertaken in behalf of the Indian. As showing the grievous and flagrant character of this turpitude a brief paragraph is taken from the annual report of Hon. Samuel Latta, who was the United States agent for the Upper Missouri Indians in the early '60s, and who spent the spring and summer seasons looking after their condition and studying their disposition. His official trip took him to the headwaters of the Missouri; he was provided with steamboat transportation and a cargo of supplies that he distributed among the Indians as testimonial of the Great Father's watchful care.

and paternal interest in the welfare of his Indian children. After his visit in 1862, the same summer that witnessed the Little Crow's outbreak, Latta in his report says:

The old American Fur Company is the most corrupt institution ever tolerated in our country. They have involved the Government in their speculative schemes; they have enslaved the Indians, kept them in ignorance, taken from them year after year, in robes and furs, their pitiful earnings, without giving them an equivalent; discouraged them in agriculture by telling them that should the whites find out what the country would produce they would come in and take their land from them. They break up and destroy every opposition to their trade that comes into the country and then make up their losses by extorting them from the Indians.

The Indians moreover claimed that they had been promised by the representatives of the Great Father that in consideration of their permitting the peaceful navigation of the Upper Missouri River, no travel by land should be undertaken through their country, because such travel frightened away their game; they were also promised that the boats should not carry passengers. Whether these promises were embodied in any formal treaty is questionable, but the Indians believed that they had been so incorporated in their written agreements. The embargo on the steamboat passenger traffic could hardly have been a part of any treaty, though prominent Government officials were personally interested in directing all emigration to the West and Northwest, through the Platte region, and looked with disfavor upon the much better and more direct commercial avenue connecting the states and the Northwest by way of the Missouri River; evidence was not wanting that these interested parties had counseled the Indians to demand the practical closing of navigation of the Upper Missouri, as a part of the price of their loyalty to the Government and the maintenance of peaceful relations.

As there was no sincere friendship as a basis of peace between the races, it was not a difficult matter to fan the smouldering embers of the natural animosity of the Indian into a blazing conflagration, when the Great Rebellion, taxing almost to the limit every resource of the nation, furnished the red men an inviting opportunity to retaliate and on the surface seemed to promise him a successful issue of an appeal to arms.

The United States was at this time convulsed with civil war, and hundreds of thousands of citizens had enlisted in the armies north and south. The Indians were well acquainted with the fraternal contest and they undoubtedly reasoned that the "Great Father" had so many enemies to look after among his own children that he could spare no soldiers to fight the Indians, and they could safely strike a blow, if they acted concertedly, that would expel the whites from the Northwest and restore to the Indians their old hunting grounds west of the Mississippi. This is not a theory. It is well known that this matter was discussed along this line in a number of Indian councils at that time, and that it, with other arguments, succeeded in moving every tribe of Sioux, save the Yanktons, into the hostile camp, and the Yanktons were once on the point of joining them.

About this time an organization was secretly effected by white men, in the northern states, to establish a northwestern confederacy in which that element of northern citizenship that opposed the war policy of the United States Government took a leading part. Evidence existed at that time that emissaries from an association inimical to the Union were at work enticing the Indians to revolt. There was a camp of hostile Santees about forty miles above Fort Pierre during the winter of 1862-63 called White Lodge's Camp, where a number of white prisoners, taken during Little Crow's outbreak, were held awaiting a ransom. The prisoners were women and young girls who had lived neighbor to their captors for years in Minnesota and understood and spoke the language fluently. A party of Santee warriors reached White Lodge's camp in November, 1862, who had just come down from the Red River of the North country, where they had been

to get a supply of ammunition for the spring campaign, and they remained there at White Lodge's awaiting the opening of the spring and renewing of the war. They told White Lodge that a grand council was held on Red River with a white man who told the Indians that his people were at war with the United States and would defeat them, and his government had sent him up to assist the Indians in their war, and he was ready to furnish them with anything they needed to go on with their war, and would see that the Indians got back all the country the whites had taken from them west of the Mississippi. He told them that the Indians were all willing to join and he would be ready to start his raid as soon as the grass was as high as his hand. He intended to sweep down the Missouri River to Sioux City, driving the whites out from all the settlements, seize the forts, and from Sioux City strike north through Iowa and Minnesota to the British line, burning everything and driving the people away. He said there would not be many soldiers to oppose him because they were all down south fighting to free the negroes, who would probably be given a large tract of Indian land in the Northwest if they succeeded in getting free. He said the only Indians who had not joined him were the Yanktons, who were afraid to join on account of being so close to the forts and settlements, but many of them would join anyway and he had sent word to old Strike-the-Ree that if he didn't join he would be cleaned out with the whites.

There is no doubt that this story is authentic. The subject was frequently talked over within the hearing of the prisoners, with apparently no thought of concealing it from them then, as there was no way in which they could make use of the information to the injury of the Indians.

Here seems to be a reasonable explanation of the abrupt change of the Indian heart from one of professed friendship to open and deadly hostility. They saw an opportunity for recovering their lands and returning to their people their old hunting grounds. Little Crow's intention was to invade the Minnesota settlements and make a war of extermination. Not much is heard of Little Crow himself after the spring season was slightly advanced. It is known that in a spirit of bravado he had led a small force back to the scene of his exploits the fall before, and was finally shot down and killed near the Village of Hutchinson, on the 3d of July, 1863. His loss was a serious one to the Indians; and as he did not return to his people the leadership fell upon "Big Head," a Yanktonnais chief who had great renown as a warrior.

What is known as the Weisman massacre was the most shocking and atrocious tragedy that marked the troublous period from 1862 to 1866. On the 25th day of July, 1863, a courier reached Yankton bringing the alarming tidings of the massacre by Indians of the Weisman children, the little helpless family of a German farmer, who had taken a claim in a body of timber bordering the Missouri, on the Nebraska side, about three miles this side of the old Town of St. James. The children consisted of a daughter fifteen years old and four sons, all younger, the youngest a little lad of six years. Both parents were absent from home when the massacre occurred, the father being a member of the Second Nebraska Regiment, then in the upper country with Sully's Indian expedition, and the mother had come over to Yankton on Wednesday the 23d to make some necessary purchases. Returning, she had stopped one night with a friend on the other side of the river. The next day she started out for home and on arriving within sight of it was surprised and greatly alarmed by the appearance of Indians in the house. She was so overcome with fear that she durst not venture to the house, but fled with all haste to St. James, where she aroused the settlers, but it then being dark she could get no assistance that night, and was compelled to wait until next morning, when she secured six volunteers, who went with her to her home, where they found the eldest daughter lying on the floor, helpless but not unconscious. She was so far gone that she could not speak, and could barely move. Her appearance when discovered plainly indicated that she had been the victim of a most fiendish outrage. The three older boys were lying upon the

floor, all dead, slain apparently by heavy blows on the head and body. The youngest lad was still alive and able to mutter "Indians! Indians!" The Indians rifled the house and took a horse belonging to the family, and then struck out for the Dakota side, crossing the Missouri below the mouth of the James. Company B, Dakota Cavalry, was stationed at Yankton at the time, and a detachment was immediately dispatched to get further particulars and also information as to the direction the Indians had taken in their flight. The little boy who was living when the outrage was discovered died within a few hours, and the girl lingered later, but died before regaining consciousness. It was ascertained by the soldiers from Yankton that not less than four Indians were engaged in the dastardly crime, and that they had fled into Dakota and probably struck off up the Vermillion River. Captain Tripp with a detachment of forty men and twelve days' rations set off in pursuit without delay—marching up James River about fifty miles and finding no trail, struck across to the Vermillion, where they came upon the trail of a party numbering four or five Indians, one of whom wore shoes, and one horse. At this point he sent one-fourth of his men back to camp and continued his pursuit up the Vermillion and across to the Big Sioux, searching the country closely but without result. Having consumed all the rations, their detachment returned. Tripp believed that with proper equipment he could have found the Indians, but stated that Indians when so pursued will travel farther in one day than troops will in three, and he could not expect to overtake them; but with ample subsistence he would finally have come up with them at their rendezvous. These Indians were supposed to be one of Little Crow's marauding bands that had been sent down to harass the settlements and thus detain the troops that were marching up the river under General Sully to co-operate with General Sibley.

Sergeant Eugene F. Trask, of Company B, Forty-first Iowa, then stationed at Fort Randall, was murdered by hostile Indians while a passenger on the stage, September 3, 1863. The tragedy occurred at the crossing of Choteau Creek during the forenoon, while the stage driver was watering the horses. The Indians fired into the stage from an ambush, killing the sergeant instantly. The driver jumped from the box and fled, the Indians declining to pursue except with a volley of arrows that served to accelerate the driver's flight. A little halfbreed son of Thophile Brughier, of Cole County, was a passenger on the stage going home, but he was not molested. The Indians took the horses, rifled the stage of everything except the mail sacks, took a portion of the dead sergeant's clothing and all his personal effects, and decamped in the direction of James River. There were four Indians in the party. Intelligence of this murder reached Yankton the same evening, and on the morning of the 4th Captain Tripp, of Company B, who was then stationed at Yankton, started in pursuit with twelve days' rations. He struck the hostile trail about ninety miles above Yankton in the James River Valley, and found Trask's military hat and some valuable legal papers on the prairie. He went ahead to the Dirt Lodges, miles above, where he expected to find the Indians, but was disappointed. The lodges were deserted but bore evidence of recent occupation. A large field of corn had been planted but had suffered by neglect. Tripp gave up the pursuit at the Dirt Lodges and returned, having exhausted his rations and also violated his orders in going so far away from the settlements. The perpetrators of this dastardly deed were never discovered.

"Dirt Lodges" were notorious in pioneer days as the refuge of hostile Indians, who would flee to them after committing a depredation. They were situated on a plateau on the east side of the James River, about one mile by land and three by river north of the outlet of Turtle River. These lodges overlooked a very large area of country, their site being at least one hundred feet above the river. They were built by White Lodge and his band many years prior to the opening of Dakota to settlement, and they were the abiding place of Santee Indians during winter. The Indians had the river near the Lodges dammed by a fish trap in 1863.

The location of Dirt Lodges was on one of the most eligible spots for a townsite in the Northwest, not excepting Yankton, which in that respect has become known as a model. There were fifteen of these lodges. They were located in a large circle, 165 feet in diameter, with playgrounds attached, and a medicine pole and lookout station in the center. The lookout station is said to have afforded a view of great magnificence and remarkable distances. An enemy approaching the village could be observed through field glasses when within twenty-five miles of the place. The lodges were constructed by placing sticks of wood five feet long upright in the ground, binding their tops together with long poles, then placing other poles on this structure and leaning their tops to the center, forming the roof. The entire structure was then covered with sod from the base to the summit, leaving a small smoke-hole at the apex of the roof. The lodges were not all of the same dimensions; some would accommodate seventy-five Indians, others about twenty-five. Forty acres of land had been broken up nearby in Indian fashion, and the squaws cultivated at least one-half of it to corn; they also raised beans, peas and turnips, potatoes, and possibly other vegetables. There was an abundance of timber within two miles of the lodges, while the prairie surrounding, viewed in spring, presented a landscape of surpassing beauty. These lodges were distant from Yankton by land about one hundred and seventy miles and were located in the northern range of Spink County townships, near Doxbury, on the Milwaukee road.

YANKTON INDIANS CAPTURE HOSTILES

During the early summer of 1864, Doctor Burleigh, the agent of the Yankton Indians, procured United States military uniforms for about forty of his Yankton warriors and sent them out into the James and Vermillion valleys on a scouting expedition. It will be remembered that the Yanktons had now become absolutely friendly to the whites and were deadly enemies of the hostile Indians who were lurking on the borders of the white settlements of the territory, watching an opportunity to commit depredations. The result of the scout was reported to the governor of Dakota in the following letter:

Yankton Agency, August 3, 1864.

Hon. N. Edmunds,
Governor and Superintendent of Indian Affairs,
Yankton, D. T.

Dear Sir, A few days since a small party of Indians under the charge of the interpreter, A. C. Gregory, returning from the Red Pipe Stone Quarry, when near the Vermillion River, came upon the trail of a war party traveling down the river toward the Missouri. They followed the trail and soon came upon a band of hostile Santee Indians, who fled but were pursued and captured and taken to the camp of the Yanktons.

On being closely questioned they confessed that they were a war party of fifteen, and had left Devil's Lake twenty days before, where were 800 lodges of hostiles. Their destination was the white settlements, where they designed to rob and murder the whites. The Yanktons told them that they were friendly to the whites and the Great Father, and since they were going to kill the whites they, the Yanktons, would kill them.

One of the captured Indians, about thirty-five years old, stated that he belonged to White Lodge's Band, that he killed ten white persons in the Minnesota massacre and was one of the party of three that murdered three children not far from the mouth of the James River in Nebraska last year. (This was undoubtedly the Weisman massacre.)

Having made their confessions they were executed by the Yanktons, and "receipts" taken for the delivery of each one at his final destination, which "receipts" were duly forwarded to my office, where they now are.

Another one of the Yanktons who had separated from the main party came upon two others of this hostile party who met him with their guns cocked and told him they were going down to kill whites and steal horses. One of them said he was the leader of the party that killed five children near the James River in Nebraska last year. (This may have been the French massacre at Choteau Creek.) The Yankton being alone with a single barrel shot gun, concluded that "discretion was the better part of valor," and returned to camp, where a small party was detached to follow the trail of the hostiles but did not overtake them. The hostiles were well supplied with lariats and whips, showing that they were experienced.

I make this statement, governor, not to cause alarm, but to put our settlers on their guard and that you may take such steps as you deem necessary to preserve the lives and property of our settlers, who should be very cautious not to unduly expose themselves or their property.

W. A. BURLEIGH,
United States Yankton Agent.

THE HEART RIVER MASSACRE

A party of gold miners from Montana reached Yankton on the 1st of November, 1863. They arrived in three small skiffs, or canoes. Mr. Delay was the name of one of the party, and none of the other names were preserved. Mr. Delay was the spokesman and a very intelligent gentleman. From him it was learned that his party, numbering seventeen, left Fort Benton, Montana, in a good mackinaw boat in July preceding. They were amply provisioned and well armed, and expected to overtake a returning steamboat and get passage to the states. They knew that the hostile Indians infested the river and did not hesitate to attack any kind of a boat carrying white people. Near Fort Union a large band of hostiles rushed into the river and surrounded the boat at a point where a temporary halt was made near a bar, but after a short parley and observing that the miners were well prepared for a fight, they accepted a few pounds of provisions and withdrew. Numerous bodies of Indians were afterwards seen, and shots were exchanged quite frequently, but the miners reached Fort Berthold without mishap. Here they remained for some time, and at length, being informed that they ran a great risk in returning further with their light boat, eleven of the number resolved to remain at Berthold all winter if necessary rather than jeopardize their lives in the mackinaw. Six of the party, however, determined to come through, and obtained three small boats capable of carrying two each, with provisions, and set out in the dusk of evening about the 15th of September. They traveled only at night, and met with much delay from shallow water and suffered with the cold and their narrow quarters, but they escaped the vigil of the redskins. They brought the particulars of the killing of the party at the mouth of Heart River in July last, which they obtained from Mr. Frederic Gerrarde at Fort Berthold. This party left Benton early in July and had an excellent equipment. There were seventeen white men in the party, armed to the teeth, all of them good miners, one woman and two children, and two half-breed Sioux. Knowing the danger from hostile Indians, the boat had been provided with a two-inch plank fortification, built above the deck as a precaution. The craft was also provided with a small cannon, which proved a serious misfortune.

At the mouth of Heart River a party of Sioux came along the bank and beckoned them to come inshore. They responded by firing the cannon three times, the Indians returning the fire vigorously. The continuous fire of the cannon caused the boat to spring a leak, and but for that unfortunate circumstance they might have escaped. The Indians were driven back from the shore, but renewed the attack, and during the second fight the boat leaked so badly that it sank in shallow water. The battle was begun in earnest between the miners and nearly two hundred Indians, many of them armed with guns. A portion of the whites made their way to the shore and succeeded in driving the redskins back to shelter, but it was apparent that without reinforcement the white men were doomed to extermination. It was in vain that the half breed Sioux plead with the savages and offered them a variety of valuable presents. Ten of the miners fell, killed outright or badly wounded. Finally their ammunition gave out, when the savages rushed upon the remainder with a terrific yell. The whites clubbed their guns and beat off their assailants, until overpowered by numbers, when all were slain. Frenzied with excitement over their victory, the savages then slew the half breeds, the women and children. The Indians then rifled the boat and the bodies of the slain. Mr. Delay stated that the miners had over one hun-

dred thousand dollars in gold, and that two of the men had a false bottom constructed in the vessel wherein was stored a very large quantity of gold dust and nuggets. Delay did not believe the savages discovered this, but that it was still in the boat which had been partly buried in the sand.

General Sully was fully informed of this sanguinary battle and the treasure said to be hidden in the false bottom of the boat, and on his return from the battle of White Stone Hills he sent two companies of Iowa troops, under Captain Crane and Shattuck to investigate the affair. This detachment was informed that the distance from the Sully camp to Heart River was twenty miles, and their orders were to return by daylight the next morning. They marched forty miles without reaching the place designated, and camped late at night; and after a brief rest were obliged under orders to return to camp, obtaining no information. The Indians afterwards acknowledged that the miners fought desperately, admitting their own loss to have been thirty-six killed and thirty-five wounded. The Indians said they got from eighteen thousand to twenty thousand dollars in gold and some greenbacks, which they used in purchasing ammunition from Red River traders. An account of the tragedy was given to the whites at Fort Berthold in February, 1864, by Indians and half-breeds who had received it from the survivors of the attacking party, confirming the statement as given.

A letter from R. M. Hagaman, dated at the Stinking Water mines, December 2, 1863, addressed to G. W. Kingsbury, makes mention of this party. Hagaman says:

A party from the Boise mines consisting of twenty-seven in all, one woman and three children among them, left our camp at Milk River a few days before we started for Benton, in a Mackinaw boat. We sent letters by them to Yankton and the states. The party was supposed to have in their possession over one hundred thousand dollars in gold dust. We learned from some half breeds from Fort Garry on the Red River that the whole party was killed and that they, the Sioux, lost forty-two warriors in the operation, and it was also reported that Little Crow was at Garry with some of the gold dust to trade.

Mr. Hagaman, the reader will remember, left Yankton in company with Judge Tufts, in August, 1863, for Idaho, taking passage on the steamboat. The boat failed to get through to Benton and the passengers were obliged to outfit at the Milk River post, Fort Peck probably, and proceed overland, which explains their meeting with the Heart River party.

A party of miners, named John H. Carter, John S. Backus and R. Schouler and brother, all formerly of Mapello County, Iowa, of Bannock City, left that place a week later than the massacred party and were detained a month after reaching the Missouri River for want of a mackinaw boat, after procuring which they set out and reached Fort Berthold in safety. Here they found one of the men who was with the unfortunate party as far as Berthold, who had remained in the fort, having a presentment of danger. From him a list of the names of the slain was obtained, numbering eighteen men, two women and three children, and the further particulars of the tragic affair, corroborating the account here given.

AN INDIAN ACCOUNT OF THE HEART RIVER MASSACRE

Joseph Henry Taylor, a frontiersman of good repute, who has published a number of sketches of frontier and Indian life, happened to meet with an Indian woman named "Red Blanket," a Santee, during his adventures in the Upper Missouri country, who had been a witness of this tragic affair, and who gave him an account of it in her own language, which Mr. Taylor translated and published among his frontier sketches. Mr. Taylor was formerly a printer and employed in early days in the Union and Dakotan office at Yankton, quitting that employment to pursue a life on the border, and so congenial did he find it, that he has not to this day abandoned it entirely, though he is now comfortably settled at Wash-

burn, North Dakota, where he is engaged in publishing a newspaper. Red Blanket's story, as given to Mr. Taylor, corroborates the main points of the massacre or battle as previously reported, and is here reproduced:

When Sibley's soldiers started back up Apple Creek our chiefs and head men commenced to look about them. We had many camps scattered along Heart River and some on Square Butte Creek. We found no buffalo and but few elk and deer. The Uncpapas who had been living there scared or killed everything. Three days after the soldiers disappeared we commenced recrossing the big river at the foot of the high bluffs. Buffalo were plenty on the east side and that was why we returned. We made a large camp in a deep coulee facing the river with some timber and a large sandbar in front of some low willows. Besides our own (See) band were many lodges of Yanktonnais and Sissetons. I think it was six days after our return that, in the company of several women, we went to the river to bathe and wash some clothes. There was a narrow, swift running chute near shore and beyond this a hidden bar, then deep water again. On this morning, at the entrance of the chute from the main river, sat an old man, a Sisseton, fishing. The morning was calm. Up the river we could hear voices and the sound of paddles. After some time a large boat full of people came to view and were drifting near shore. We saw that they were white people and started to run away.

At this time they were near rifle shot of the old man. He arose and made the blanket signal to keep out in the main stream. Next came a puff of smoke and a rifle report from the boat and then the old man fell over. Then we all screamed and ran until we met our husbands and brothers with their guns, bows and arrows. Then us women hid in the edge of the bushes. The long boat stopped in shallow water at the entrance of the narrow channel. More of our people came swarming out from the timber and the shooting became almost continuous, when the loud report of cannon from the boat scared us all. We were afraid soldiers from Sibley's Army might be coming again upon us, the one loud report sounding over and over so many times. Then came what we feared, wounded and dying men. We women picked them up and carried many from the bar to the lodges up the coulee. One woman was killed in trying to save her husband. I had a brother killed. It sent my heart to the ground. Several of our fighters procured logs and rolled them across the bar toward the boat, firing from behind. Others screened along the cut bank of the chute. It was in the middle of the afternoon when some one shouted that the old white man dressed in black had fallen. It was he who had killed so many of our people. He hid in one corner of the boat. He would rise at times and look about him. Our warriors believed he was a priest or medicine man. When the shout went up that the medicine man was killed everyone rushed upon the boat. All were not yet dead, but we soon killed them. One woman was found under the big box, dragged forth and cut to pieces with knives. She looked terrified but did not cry. A crying baby was taken from her arms and killed. I did not see the little girl, though she might have been there for all I would know. I helped kill the woman. They had killed my brother. The boat was half filled with water; the one shot from the cannon had caused it to leak and sink in shallow water, and that is where they stayed until all were dead. But the strangest of all is yet to come. The dead body of the man in black was nowhere to be found. In the same corner of the boat lay the body of a man with some such face, white whiskers and long white locks of hair. But he lay dressed in blood spattered yellow buckskin shirt and pants. We stripped many bodies of their clothes and in so doing found belts of what we thought was wet or bad powder. It was thrown away. We lost near thirty men altogether. Some did not die right away, but those who did were placed in the trees beyond the village. The old Sisseton fisherman went to his death trying to save trouble and lives by warning the boatmen to put out in the main stream that they might quietly pass by unnoticed. The white men mistook the motive perhaps, so killed him and paid forfeit by losing their own lives. Those who knew the Sisseton best say this was the motive that impelled the signal.

Several years later, in the fall of 1876, Mr. Taylor met an Arickaree Indian chief named Whistling Bear in the Upper Missouri country, who related to him another incident in this Heart River horror, as follows:

About two weeks after the white men belonging to the boating party were killed on Burnt Creek Bar some Uncpapa friends of the Mandans came into our village at Fort Berthold and told us about it. Girard, the trader, being my brother-in-law, and with whom I talked about the story, advised my getting together a small band of trusty men and go hunt up the place where the fight took place. He explained further that unless some of the Sioux knew gold dust by the color there must be abundant gold dust, either laying about among the effects in the boat or in belts upon the bodies of the slain, and then I was shown a sample so that no mistake would be made. In the early morning of the closing days of the "cherry moon" we left our village at Fort Berthold for the perilous trip. There were ten of us in all. We followed the river close, and on the third day we noticed

the soaring buzzard on the river near the mouth of Burnt Creek. A misty line of fog that followed the curved line of the channel-water at sunrise rose high in air as we reached the sand bar at Burnt Creek. The big black appearing boat was seen at last. It was partly sunken. We saw no cannon. The bodies of the dead, partly dismembered, were being fed upon by buzzards. Upon some of them we found belts filled with gold dust. On other bodies near by the sacks or belts of buckskin had been cut open and contents spilled upon the sand. At the boat we found a coffee pot which we filled with gold dust. There were no Sioux seen. We visited their deserted camps in the coulee back from the timber grove. In the trees were many blanketed dead. We then made our way back to our village at Fort Berthold. To Girard we gave the gold. He in turn presented me with a large horse, and a few presents, and a feast to my companions on the trip.

JACOBSON KILLED AT JAMES RIVER FERRY

On the night of Tuesday, May 5, 1863, J. A. Jacobson and Thomas W. Thompson, who lived near Vermillion, were in camp at Greenway's Ferry, on the east bank of the James River, about five miles from Yankton. The men were asleep in their wagon and were on their return from Fort Randall, where they had delivered a load of Government freight. Just at daylight of the 6th a band of hostiles attacked the camp with rifles and arrows, sending a volley into the wagon, and instantly killing Jacobson, and seriously wounding Thompson, who sprang out and made for the ferry house, having been hailed by Greenway, who had been aroused and had opened fire on the Indians from the window of his cabin. Thompson was followed by a volley of arrows, one of which struck him in the back of the neck, after passing through a heavy coat collar, and lodged in contact with the bone. The coat collar probably saved his life. The Indians secured the team and made off, but the horses subsequently escaped and were found in the neighborhood of the ferry. Lieutenant Fowler, with a detachment of Company A, Dakota Cavalry, started out in pursuit, but they were unable to discover the trail. Colonel Pollock, at Fort Randall, also sent out a detachment, but nothing was discovered that would lead to the capture of the marauding party. The affair created intense excitement, and caused the loss of a number of farmers who removed from the territory. This tragedy led to immediate action on the part of General Cook, to protect the settlements, which had been left to the militia, and to Company A, Dakota Cavalry, during the six months prior, the cavalry company being required to patrol the entire frontier from the Big Sioux to Choteau Creek on the western borders of Bon Homme County while a good deal of harsh criticism was heard of the apparent indifference of the military authorities to the safety of Dakota's settlers.

Newton Edmunds, a citizen of Yankton and one of the pioneers of Dakota, was appointed governor of the territory, October 5, 1863, to succeed William Jayne, who had been chosen delegate to Congress and who resigned the governorship in February, 1863. During the interval following Jayne's resignation, John Hutchinson, secretary and acting governor, had performed the duties of the executive office.

There had been no emigration to the territory during 1863. A few settlers doubtless came in, but owing to the prolonged drouth, very little grain or other produce was grown during the year.

Secretary Hutchinson, who had been the responsible governor after the 4th of March, 1863, issued the following "official notice" to the people during the summer of 1863, while General Sully was absent with his expedition, which explains itself:

Executive Office, Yankton, D. T., August 15, 1863

To the People of Dakota Territory:—

The hostile demonstrations of Indians in this territory, and the frequent reports of the appearance of Indians, suggests the propriety of speedy information being given to the commanders of troops, in order that any Indians who may be seen may be pursued and captured and protection given to the settlements.

You are therefore requested to report promptly to the commanders of troops nearest to the point where Indians are seen, who will immediately take such steps for their pursuit as may be necessary.

The safety of every inhabitant demands that this request should be strictly complied with.

JOHN HUTCHINSON,
Acting Governor.

After the return of Sully's Indian expedition, it was discovered that the Yankton Indians had been a wall of defense for the settlements of the territory against the hostile hordes of Little Crow during the absence of the troops on the expedition. Every art known to the hostiles was used to seduce the Yanktons from their allegiance and friendliness, but it availed nothing. "Old Strike" was not to be deceived by the boasts which their emissaries made to him of the certainty of the success of the Indian arms during the summer, bolstered by the statement that they had white generals to lead them and plenty of everything, which confirmed the reports of white men being with the Red River Indians early in the season, inciting them to war. The Yanktons furnished a few recruits to the hostiles, who were young, reckless dare-devils who acted on their own notion and in defiance of the commands of the chiefs. As a tribe, they opposed the hostiles and furnished the most faithful scouts to Sully; and in a number of instances attacked and destroyed or captured small bands of the enemy and marched them as prisoners into Fort Randall. Major Burleigh was to be greatly credited for this condition. He had taken pains to explain to the chiefs the power of the Government and the certainty of punishment being meted out to the hostile Sioux, not only by the soldiers but in the loss of their annuities which they had been receiving from the hands of the Great Father. And so the Yanktons remained our most faithful allies and friends and afforded a surer protection to the settlers than would have been furnished by the same or even a greater number of soldiers, for the reason that the hostiles knew they would be unable to reach the settlements and commit any depredations without being detected and punished by some one of the warrior Yankton bands who were constantly on the lookout for their encroachments, and knowing every trail and path that hostile parties would pursue, they were sure to head them off, which they did in every instance. Soldiers would not have been able, under the strictest patrol system, to have afforded such protection, though well enough to follow up and punish transgressors after the damage is inflicted. It may therefore be concluded that it was a most fortunate circumstance, our having this Yankton reservation on the border of the settlements, peopled by a tribe who had intelligence enough to perceive where their best interests were.

APPOINTMENTS

Hon. George P. Waldron was appointed provost marshal of Dakota Territory in June, 1863. Judge Joseph R. Hanson was appointed by Captain Waldron to the chief clerkship in his office in July following.

Hon. Enos Stutsman was appointed private secretary in the executive office by Acting Governor Hutchinson, in June, 1863.

The Rev. Melancthon Hoyt was appointed United States commissioner for the Second Judicial District by Chief Justice Bliss. This was the first appointment to this office made in the territory.

In September, 1863, Hon. John W. Boyles, of Vermillion, was appointed receiver of the United States land office at that place, Mr. Wilkinson, the former incumbent, having resigned to take the agency of the Indians at Fort Buford.

St. A. D. Balcombe, of Minnesota, and chairman of the Minnesota constitutional convention of 1858, was appointed United States agent of the Winnebago Indians in 1863. His agency was at Crow Creek, or Fort Thompson, where the Santees were located.

General Todd, having commenced proceedings to contest the seat in Congress claimed by Governor Jayne, as delegate from Dakota, Congress ordered

a preliminary investigation of the grounds of contest before admitting Governor Jayne, and on the report of the committee having charge of the matter, Mr. Jayne was given the seat on *prima facie* evidence, without prejudice to Todd, who went on with the contest.

On the 14th of July, 1863, the *Sioux City Journal*, a weekly newspaper, with Mr. Ed B. Stillman as publisher and editor, began its career at Sioux City, which at that time was regarded as a formidable rival of Yankton.

The *Fort Randall News* was the title of a weekly newspaper published during the summer of 1863 by the soldiers stationed at that post.

The office of United States assessor of internal revenue for the District of Dakota Territory was created by act of Congress in the winter of 1862, and Joseph Labarge, of Cole County, was the first incumbent. The duties were not onerous, while the salary was ample, which furnished abundant reason for accepting the position.

CHAPTER XXIX

POLITICS AND PROCLAMATIONS

1863

POLITICIANS DISTURBED—REPUBLICAN PARTY DIVIDED—JUDGE BLISS AND DR. W. A. BURLEIGH, LEADERS OF THE RESPECTIVE FACTIONS—VERY SLIGHT ATTENTION GIVEN TO THE LEGISLATIVE ELECTION OF 1863—REPUBLICAN AND UNION CONVENTION TO ELECT DELEGATES TO THE NATIONAL CONVENTION OF 1864—FIRST TERMS OF COURT IN SECOND DISTRICT—THANKSGIVING—PROCLAMATIONS OF PRESIDENT LINCOLN AND GOVERNOR EDMUNDS.

There was a growing disaffection in the camp of the republican and union party during the year 1863, the outgrowth of the Jayne and Todd campaigns of the year previous and the irregularities and frauds of that election, which had been given wide publicity through the legislative investigation of 1862-63, and due also to personal ambitions. Another prolific cause of party soreheadedness was attributed to Surveyor General Hill, who had been bringing into the territory from his Michigan home public land surveyors and their assistants, who had received the surveying contracts, to the exclusion of a number of surveyors who were bona fide residents of the territory. Judge Bliss retained a rank supporter of the democratic candidates as clerk of his court; Captain Waldron, the provost marshal, was in the insurgent business up to his ears and was looked upon as one badly tainted with party treason; while Attorney General Gleason was an avowed supporter of the General Todd element, their legal advisor and general counsellor. Scores of other republicans, not so conspicuous in public life, trailed along the same path, presaging a well defined split in the party before the contest came on in 1864.

Chief Justice Bliss and Secretary Hutchinson were also looked upon as inimical to the "regular" organization, owing to their attitude toward the Todd versus Jayne contest, which was not yet decided by Congress. Though as a board of canvassers they had given the certificate to Jayne, they were now looked upon as favoring Todd, because of the frauds that had been disclosed since the certificate was issued.

The agent of the Yankton Indians, Maj. Walter A. Burleigh, was a frequent visitor to the settlements of Dakota, and seemed to be a gentleman quite democratic in manners, though strongly republican in politics. He had been a physician in Pennsylvania and enjoyed a lucrative practice. While he had abandoned the practice in Dakota, he never refused to lend his professional services in case of emergency, and those who had occasion to be treated by him were loud in their praise of his skill. He would take no fee for such services. He was popular with the farmers all through the Missouri Valley, and it was said of him that he had, in many instances, aided in starting a bare-handed pioneer to get his cabin up, a few acres broke, and a cow or two. It was not, however, divined at this time that this active social gentleman, whose ordinary stride, as he walked about the town, would keep the average pedestrian trotting along beside him if he desired to "keep up," was destined to take a most important and prominent part in the political, agricultural, commercial and transportation interests of the terri-



NEWTON EDMUNDS

Second governor of Dakota. Served from September, 1863 to
September, 1866

tory and become a great leader in its largest enterprises. But the events of the coming winter and spring served to bring him into the foreground, where he remained for a long term of years, bearing the most conspicuous part of any of our public men.

The first term of the United States District Court for the Second District convened at Yankton the second Monday in May, 1862, Judge Bliss presiding; United States attorney, Gleason; marshal, Shaeffer, and clerk, James M. Allen. The grand jury was composed of Obed Foote, foreman; C. S. White, J. M. Stone, Henry Arend, Otis Wheeler, Culban Oleson, Ole Oleson, Canute Nelson, David Fisher, William Thompson, D. W. Reynolds, Nelson Collamer, C. F. Putnam, Benjamin F. Barge, Nels Nelson. At this term, which remained in session but one day, no business was transacted.

The fall term of court for 1862 convened October 5th. The same officers were present as at the May term, with the exception of Marshal Shaeffer, who had resigned, and George M. Pinney had succeeded to that place. The grand jury was made up of J. M. Stone, foreman; John Keltz, John Rouse, John Lawrence, J. R. Hanson, H. T. Bailey, Obed Foote, B. F. Barge, C. S. White, M. Hoyt, Peter Johnson, J. S. Presko, Enos Stutsman, Henry Bradley, John Stanage. This grand jury remained in session four days but there was no business before the court. The session was held at the first council chamber on the southeast corner of Broadway and Fourth street. During the session and while waiting for the grand jury to complete its labors, the chief justice and others held an immigration meeting and partially organized a territorial agricultural society, urging that through such an association they could give material aid to the work of immigration by stimulating an interest in agricultural pursuits and disseminating information throughout the country regarding the resources of Dakota as an agricultural field. The chief justice had taken a claim adjoining Picotte's townsite on the north, and was preparing to open up a farm. The family of the chief justice joined him late in the summer of 1863, and spent some time at their cozy home in Blissville, which was the name given to the judge's country seat north of Picotte's and adjoining the well-known Stone farm on the west, where the judge had taken a homestead. He was preparing at this time to make substantial improvements on his place. He was now in the public eye, and had many ardent supporters as a candidate on the republican ticket for the nomination for delegate to Congress, which would be chosen in 1864; and he was known to look favorably upon these efforts of his friends, cherishing, as he did, a strong preference for a legislative career, for which he was amply endowed. There was, therefore, more than ordinary meaning to his work as a claim holder and a plow holder.

The severity of the drouth, Indian hostilities, and General Sully's Indian campaign must have monopolized the attention of the politicians of the territory, for up to August 31st no move had been made to nominate the legislative ticket, and the election was appointed for the 7th day of September following. Party lines throughout the northern states had been almost entirely ignored owing to the Civil war, which brought into the same political fold republicans and union democrats on the single issue of the preservation of the Union, and in order that the harmony of this relation might be undisturbed, the republican, as well as the democratic committees, as a rule, refrained from calling conventions under the party title. On the 1st of September the following call was issued by the unconditional union voters of Yankton County, and about the same rule was followed in the other counties:

All legal voters of Yankton County, who have an abiding faith in the great principles of the declaration of independence; who are unalterably opposed to secession and disunion; who consider the preservation of the American Union as paramount to all earthly concerns; and who desire to lend their hearty and unreserved support to the present national administration in its effort to suppress the existing rebellion and uphold by word and deed every measure of that administration which is calculated in good faith to restore our national union peace, prosperity and tranquility, are cordially invited to be present at the

of Hon. Kund Larson, near the Lake Settlement in Yankton County, on Thursday, September 3, 1863, at 2 o'clock P. M., there to put in nomination eight loyal candidates for the coming Legislature.

Free conveyance from Yankton will be furnished to all thoroughly loyal men who wish to attend.

This convention nominated a full legislative ticket, which was duly elected at the election seven days later.

COMPANY B MUSTERED IN

Company B, Dakota Cavalry, which had been formed by recruiting and by the consolidation of two or three small detachments that had been raised under the proclamation of the governor of October 12, 1862, was mustered into the service of the United States March 31, 1863, at Sioux City. Here follows the muster roll:

COMMISSIONED OFFICERS—William Tripp, captain; John R. Wood, first lieutenant, Elk Point; T. Elwood Clark, second lieutenant.

NON-COMMISSIONED OFFICERS—Elijah K. Robinson, first sergeant; Josiah Sanborn, Sioux City, Louis St. Onge, Melancthon W. Hoyt, Yankton, Samuel M. Crooks, Nathan McDaniels, Bon Homme, sergeants; Norris I. Wallace, quartermaster sergeant, Elk Point; Eli B. Wixson, commissary sergeant; Myron Sheldon, Sherman Clyde, Lawrence Dignan, Ferdinand Turgeon, John S. Hall, George W. Dimick, William H. Fate, William McDermott, corporals; Theodore Oleson, blacksmith; John Fitzgibbon, wagoner; John Gregory, bugler.

PRIVATES—Oliver Allen, Henry Arend, Christopher Arend, Thomas H. Armstrong, Leander Gertier, Miles Cowan, James Dormidy, Louis H. Dery, John R. Ealey, William F. Furlong, James I. Furlong, Antoine Fleury, Samuel Farnsworth, Hugh Gaughran, Lewis Gates, William R. Goodfellow, William C. Homer, Thomas J. Hampton, Stephen Horton, John Hough, Ulrick Jarvis, Trobridge R. Jewell, Alexander Keeler, Matthias Larson, John B. Lavoie, Octave Lavoie, Joseph Lionat, Charles Leonard, Cornelius McManara, Daniel N. McDaniels, John McDonough, George D. Mattheison, Richard W. Mattheison, William Metcalf, John Nieff, James Oleson, Sterling L. Parker, Thomas Reandeau, Baptiste Reandeau, George Rose, Miles Rimer, General M. Reese, John Rouse, Joseph Stringer, John Sowick, Louis St. Onge, Dempster D. Sprague, William Trumbo; Alexis Traversie, Paul Traversie, Hezekiah Townsend, Joseph W. Vandeviere, Bernard Verwyk, William Vanosdel, Samuel Vanosdel, Lorenzo Wood, Uriah Wood, Henry Will, J. Whitcomb, John I. Welch, Thomas Wilson, Z. Zurick, George Belous, Harmon Fieltoet, Louis Frick, Ole B. Larson, Ferman Pattee, James O. Phelps, Fred Robert, William W. Snyder, John B. Snow, W. Searls, Jr.

PRESIDENTIAL DELEGATES

A call was issued in December, 1863, for a territorial delegate convention of the "republican and union" party to meet at Yankton on the 7th of the approaching January (1864), for the purpose of electing two delegates to the national convention in 1864 for the purpose of nominating candidates for President and vice president. This national convention had not yet been called, but nearly all the leaders of the republican and union party in the territory would be in Yankton attending the sessions of the Legislature, and it was decided that it would be best to hold this convention during the session, when the people could, if they desired, elect their legislative members as delegates and thus save time and expense of holding the convention at a later day. It was generally believed and desired that Abraham Lincoln would be renominated for President without a dissenting voice. The call for this convention was signed by W. W. Brookings, chairman; John W. Boyle, Clay County; William Frisbie, Union County; and George M. Pinney, Yankton, with George N. Propper, secretary.

In accordance with this call, conventions were held in the various counties and delegates were elected, as a rule the counties selecting their legislative members as such delegates, they being already on the ground.

The territorial convention met at the capitol building, Yankton, on the 7th of January, 1864. Hon. J. M. Allen, register of the United States land office at Vermillion, was elected chairman, and B. A. Hill and G. W. Kingsbury, secretaries. A Committee on Credentials was appointed, consisting of I. T. Gore, Cole County; E. M. Wilby, Charles Mix; A. W. Puett, Clay; J. R. Hanson, Yankton; and D. M. Bradford, Bon Homme, which committee, after a brief recess of the convention, reported the following delegates entitled to seats:

Cole County—Albert Gore, J. O. Taylor, M. M. Rich, J. Mathews, B. A. Hill, D. Ross, N. G. Curtis, and Asa Mattison; Clay County, Ole Bottolfson, A. W. Puett, B. W. Collar, William Shriner, H. Gunderson, L. Bothun, Aaron Carpenter, J. M. Allen, and H. Burgess, and that J. M. Allen and William Shriner be instructed to cast the vote of absentees from that county; Yankton County, J. R. Hanson, Bligh E. Wood, George M. Pinney, George W. Kingsbury, John Lawrence, Knud Larson, W. W. Brookings and J. M. Stone; Bon Homme County, Laban H. Litchfield, Henry Brooks and D. P. Bradford; Charles Mix County, E. M. Wall, and J. J. Thompson, who is authorized to cast two votes.

The report was adopted, and on motion the convention proceeded to an informal ballot for delegates to the national convention, with the following result: W. A. Burleigh, 2; George M. Pinney, 3; John J. Thompson, 9; J. R. Hanson, 9; Newton Edmunds, 7; John Hutchinson, 7; J. W. Boyle, 11; J. O. Taylor, 8; John Lawrence, 2; L. H. Litchfield, 2; J. M. Stone, 1; J. M. Allen, 1.

A second informal ballot was then taken, as follows, the names of Messrs. Hutchinson, Hanson, Thompson, Taylor, Stone and Allen having been withdrawn: A. W. Puett, 2; W. A. Burleigh, 17; George M. Pinney, 14; Newton Edmunds, 3; J. W. Boyle, 8; John Lawrence, 15; L. H. Litchfield, 1.

On motion, the convention next proceeded to a formal ballot, the names of Messrs. Puett, Burleigh, Lawrence and Litchfield having been withdrawn. The ballot resulted: George M. Pinney, 30; Newton Edmunds, 23; J. W. Boyle, 8; W. A. Burleigh, 1. Messrs. Pinney and Edmunds were declared elected.

After this result was announced, a letter was received from Gov. Newton Edmunds, declining the delegateship as incompatible with the best interests of the party, both delegates being taken from Yankton County.

On motion the declination of Governor Edmunds was accepted.

On motion of Mr. Pinney, Messrs. Kingsbury, Hanson and Puett were appointed a Committee on Resolutions, after which a recess was taken until 7 o'clock.

After reconvening the convention proceeded to a formal ballot for the election of a delegate to the national convention in place of Governor Edmunds, resulting in the choice of J. W. Boyle, of Clay County.

On motion a committee was appointed to select and present to the convention five names for a territorial central committee.

The committee recommended W. W. Brookings, Yankton County; Mahlon Gore, Cole County; L. B. Bothun, Clay County; L. H. Litchfield, Bon Homme County, and John J. Thompson, Charles Mix County. The recommendation was adopted.

On motion the Hon. J. Thompson was elected as alternate delegate for George M. Pinney, and Hon. J. O. Taylor, alternate for J. W. Boyle.

The Committee on Resolutions then made its report, as follows:

Resolved, That the acts and measures of the national administration in its efforts to suppress the present existing rebellion, have our united and hearty approval and sympathy, and we sincerely hope it will pursue, with every means in its power, the vigorous prosecution of the war.

The resolutions further commended President Lincoln for the wise and patriotic course he was pursuing to restore the Union; also commended Salmon P.

Chase, secretary of the treasury, for the able and successful manner with which he managed the finances of the country, declaring that his greater fame would rest upon his title, "the Father of the Greenback;" also demanded the construction of the north branch of the Pacific railroad by way of the Missouri and Niobrara valleys to a junction with the main line at or near Fort Laramie; and recommended to the public the overland route to the gold mines of Montana through Southern Dakota.

The resolutions, as reported, were adopted, whereupon the convention adjourned.

PRESIDENT LINCOLN'S THANKSGIVING EDICT

There was an earnestness and sincerity in the Thanksgiving proclamation issued by President Lincoln during the Civil war, and these were supplemented by proclamations at various times calling the people to observe a day devoted to humiliation and prayer. Mr. Lincoln was strong in the faith of God's overruling Providence, and no doubt endeavored at all times to be guided by the light which came to him through his unfaltering faith and implicit trust in the Almighty, whose approval and blessing would surely give victory to the Union cause. Showing the President's attitude in seeking the guidance of the Almighty Ruler of Nations, Mr. Lincoln's proclamation of 1863, in the midst of the fraternal conflict, is here reproduced:

By the President of the United States of America; A Proclamation:

The year that is drawing toward its close has been filled with the blessings of fruitful fields and healthful skies. To these bounties, which are so constantly enjoyed that we are prone to forget the source from which they come, others have been added which are of so extraordinary a nature that they cannot fail to penetrate and soften even the heart which is habitually insensible to the ever watchful providence of the Almighty God.

In the midst of a civil war of unparalleled magnitude and severity, which has sometimes seemed to foreign states to invite and to provoke their aggression, peace has been preserved with all nations, order has been maintained, the laws have been respected and obeyed, and harmony has prevailed everywhere except in the theater of military conflict, while that theater has been greatly contracted by the advancing armies and navies of the Union.

Needful diversion of wealth and of strength from the fields of peaceful industry to the national defense has not arrested the plow, the shuttle or the ship; the ax has enlarged the borders of our settlements, and the mines, as well of iron and coal as of the precious metals, have yielded even more abundantly than heretofore. Population has steadily increased, notwithstanding the waste that has been made in the camp, the siege, and the battlefield, and the country, rejoicing in the consciousness of augmented strength and vigor, is permitted to expect continuance of years with large increase of freedom.

No human counsel hath devised nor hath any mortal hand worked out these great things. They are the gracious gifts of the most high God, who, while dealing with us in anger for our sins, hath nevertheless remembered mercy.

It has seemed to me fit and proper that they should be solemnly, reverently and gratefully acknowledged, as with one heart and one voice, by the whole American people. I do therefore invite my fellow citizens in every part of the United States, and also those who are at sea and those who are sojourning in foreign lands, to set apart and observe the last Thursday of November next as a day of thanksgiving and praise to our beneficent Father who dwelleth in the heavens. And I recommend to them that while offering up the ascriptions justly due to Him for such singular deliverances and blessings, they do also, with humble penitence for our national perverseness and disobedience, commend to his tender care all those who have become widows, orphans, mourners or sufferers in the lamentable civil strife in which we are unavoidably engaged, and fervently implore the interposition of the Almighty hand to heal the wounds of the nation and to restore it, as soon as may be consistent with the divine purposes, to the full enjoyment of peace and harmony, with the union of our states completely restored.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed. Done at the City of Washington, this 3d day of October, A. D. 1863, and of the independence of the United States, the eighty-eighth.

ABRAHAM LINCOLN.

By the President: —

WILLIAM H. SEWARD, Secretary of State.

CONGRESS SOLICITS DIVINE FAVOR

A very gratifying and encouraging feature that marked the proceedings of Congress during the Civil war, as well as the Executive Department, was the frequent occasions set apart for invoking Divine assistance in guiding the Government through the perils which beset it. There need be no doubt that our rulers had abundant faith in God and felt that with His favor and blessing the Union cause would be invincible. And it seemed that all were striving in the utmost sincerity to win God's approval of their work. Our nation was likened unto the Jewish nation, in its early career, when God led it through all perils, and by frequent reprimands and severe punishments, to signal victories. The several proclamations which have been reproduced in these pages exhibit the sincere and trusting faith our rulers had in God's approval of the Union cause, and the work was planned to secure a continuance of His blessings. There could be but one outcome to a struggle where God's overruling Providence was so implicitly recognized. We here print the full text of a concurrent resolution passed by Congress in June, 1864, showing the fervent piety and devout trust held by the members of that body:

Resolved, That the President of the United States be requested to appoint a day for humiliation and prayer by the people of the United States; that he request his constitutional advisers at the head of the executive department to unite with him as chief magistrate of the nation at the City of Washington, and the members of Congress, and all magistrates, all civil, military and naval officers, all soldiers, sailors and marines, with all loyal and law abiding people, to convene at their usual places of worship, or wherever they may be, to confess and to repent of their manifold sins; to implore the compassion and forgiveness of the Almighty, that if consistent with His will, the existing rebellion may be speedily suppressed and the supremacy of the Constitution and laws of the United States may be established throughout all the states; to implore Him, as the Supreme Ruler of the world, not to destroy us as a people, nor to suffer us to be destroyed by the hostility or connivance of other nations, or by obstinate adhesions to our own counsels, which may be in conflict with His eternal purposes, and to implore Him to enlighten the mind of the nation to know and do His will, humbly believing that it is in accordance with His will that our place should be maintained as a united people among the family of nations; to implore Him to grant to our armed defenders and the masses of the people that courage, power of resistance, and endurance necessary to secure that result; to implore Him in his infinite goodness to soften the hearts, enlighten the minds, and quicken the consciences of those in rebellion, that they may lay down their arms and speedily return to their allegiance to the United States, that they may not be utterly destroyed; that the effusion of blood may be stayed, and that amity and fraternity may be restored and peace established throughout all our borders.

In accordance with the resolution, the President designated the first Thursday of August, 1864, to be observed by the people of the United States as a day of national humiliation and prayer.

It will be seen by these state papers that the rulers of our national Government during the Civil war were deeply imbued with the conviction that the outcome of the war was in the hands of the Almighty; the people were no less impressed with this conviction than were the rulers, and these occasions of prayer and praise and humiliation were observed with devout hearts and earnest, sincere prayer for the favor of the Most High. It is noticeable that the enemies of the Union were commended to the favor and goodness of the Supreme Ruler, that he would not suffer them to be destroyed, indicating that there was no vindictive or revengeful spirit felt toward those in arms against the Government, but plainly a solemn invitation to abandon their efforts to destroy the Government and divide the Union, lay down their arms, return to their allegiance, and they would find their reception cordial and sincere and worthy of a great nation in **treating with its rebellious but repentant sons.**

This day of humiliation and prayer, which fell on Thursday, August 4th, was appropriately observed in Dakota by religious services, and in Yankton by services conducted by Rev. L. P. Judson, a Baptist clergyman, who resided at Bon Homme, and had come out with the New York colony under the auspices of the American Baptist Home Missions. The services were held in the capitol building.

Governor Edmunds issued his first Thanksgiving proclamation on the 26th day of October, 1863. It is here given in full. It was his first official act and is a very creditable and appropriate state paper:

In accordance with the proclamation of the President of the United States and a time honored usage of this country, I, Newton Edmunds, governor of Dakota Territory, do hereby appoint the last Thursday of November next as a day of thanksgiving to Almighty God for His great mercies and many blessings of the past year; in that He has preserved our lives, blessed us with health, and given us an abundant harvest; in that He has protected us from the hands of the cruel and relentless savage, and kept us from all harm.

Let us thank God for the immortal triumph of our armies in this great struggle for our national preservation; and let us thank Him also for the bravery, indomitable energy and perseverance of our citizen soldiers. Let us thank God for the preservation of our free institutions, won by the fortitude, bravery and blood of our fathers and handed down to us with their blessing. Let us acknowledge before God our manifold and grievous sins as a nation, and with firm reliance on the Great Ruler of the Universe, commit our cause to Him in whose hands are the destinies of nations.

In testimony whereof, I have hereunto set my hand and caused the great seal of the territory to be affixed. Done at Yankton, D. T., this 26th day of October, A. D. 1863.

NEWTON EDMUNDS,

Governor.

CHAPTER XXX

THE THIRD SESSION OF THE LEGISLATURE

1863-64

THE THIRD SESSION OF THE LEGISLATURE, 1863-64—CONTESTED SEATS GROWING OUT OF THE FRAUDS OF 1862—FIRST MESSAGE OF GOVERNOR EDMUNDS—THE CIVIL WAR—THE INDIAN CAMPAIGN CRITICIZED—THE ROUTE TO IDAHO—PROMOTING IMMIGRATION—NORTH BRANCH OF THE PACIFIC RAILROAD—THE PUBLIC DOMAIN—MILITARY PROTECTION FOR THE SETTLEMENTS—RED RIVER LEGISLATIVE APPORTIONMENT REPEALED—AUDITOR'S REPORT ON MILITIA EXPENSES OF 1862.

The third session of the Legislature convened at Yankton on Monday, the 7th of December, 1863. The membership of each house had been increased by the apportionment bill passed a year ago, and the council now consisted of thirteen members, and the House of twenty-four.

There was a contest from Cole County, and also from Bon Homme County, which prevented the members from those districts from any participation in the organization. The council membership, uncontested, consisted of the following:

Cole County, contested (three members); Clay County, L. Bothun, H. Compton, Franklin Taylor; Yankton County, J. M. Stone, Enos Stutsman, George W. Kingsbury; Bon Homme County, contested; Todd County, J. Shaw Gregory; Charles Mix County, John J. Thompson.

Governor Edmunds administered the oath of office to the members, and the following officers were elected:

Enos Stutsman, president; J. R. Hanson, secretary; Charles F. Rossteuscher, assistant secretary; B. C. Fowler, sergeant-at-arms; T. W. Thompson, fireman; Samuel Grant, messenger; and Rev. M. Hoyt, chaplain. The standing Committee on Elections was appointed to consider the contest cases, and the council adjourned.

The membership of the House consisted of the following named gentlemen:

Cole County, contested; Clay County, E. M. Bond, Ole Bottolfson, O. Burgess, G. W. Pratt, A. W. Puett, William Shriner; Yankton County, W. W. Brookings, John Lawrence, Knut Larson, Washington Reed, Philip Risling; Bon Homme County, contested; Todd County, Jesse Wherry, Peter Kegan; Charles Mix County, E. W. Wall.

Chief Justice Bliss, owing to the illness of Secretary Hutchinson, called the roll and administered the oath of office, after which the following officers were elected:

A. W. Puett, Clay County, speaker; Mahlon Gore, Cole County, chief clerk; A. K. Curtis, Cole County, assistant clerk; Ole Sampson, Yankton County, sergeant-at-arms; L. Larson, Clay County, fireman; L. R. Severson, Clay County, messenger; Rev. Albert Gore, Union County, chaplain.

The standing Committee on Elections, consisting of Messrs. Brookings, Shriner and Keegan, was appointed in order that the contested seat cases might have an immediate hearing, and the House then adjourned.

On the third day, Mr. Kingsbury, of the council, chairman of the Committee on Elections, to whom was referred the certificate of election of Messrs. M. M.

Rich, John Mathews, J. O. Taylor and George Stickney, A. Christy and Charles Labreche, contestants for seats in the council from the First Council District, Cole County, submitted the following report:

Mr. President:—Your Committee on Elections to whom was referred the respective credentials of the gentlemen from Cole County, claiming seats in this body, have given to the matter a candid and impartial investigation, allowing full and satisfactory time to the claimants of each opposing party, to present all the evidence deemed by them necessary to establish their respective rights to membership in this council, and after listening patiently and with due attention to the evidence produced by each party, have candidly and without undue prejudice, arrived at the following conclusions:

That on the 7th day of September, 1863, an election was held in Cole County, Dakota Territory, for members of the legislative assembly now in session. That such election was held at different places in the county, and conducted pursuant to orders, notices and proceedings of two different boards of county officers, both claiming a legal existence.

That no evidence has been produced before your committee showing that the board of county officers, composed in part of Thomas C. Watson, Archibald Christie, and Sherman Clyde, as county commissioners, Henry S. Carpenter, as register of deeds, and William Searls, judge of probate, were ever properly qualified to act as such, and that all elections that had been held in compliance with the proceedings of the above named gentlemen, claiming to represent the respective offices before mentioned, are and of right should be null and void and consequently of no effect.

That the board of county officers, consisting in part of William Frisbie, William Mathers and John R. Wood as county commissioners, N. J. Wallace, register of deeds, and A. R. Phillips, judge of probate, were duly appointed pursuant to law, to these respective positions by the governor, and under the law which created the power and named the manner of their appointment, they are made to hold their respective offices until their successors are elected and qualified. In the opinion of your committee, the last named officers (with the exception of N. J. Wallace, whose commission as register of deeds was revoked, and a commission issued to M. M. Rich, by the governor, which last named gentleman your committee believe to have been the rightful register of deeds of Cole County since his appointment as such), were the only legally constituted officers of Cole County, in their respective positions, who could act as such during the time comprised in the proceedings out of which this contest has grown, and that the election held on the 7th day of September, 1863, pursuant to the proceedings of Wm. Frisbie and Wm. Mathers, as county commissioners, and M. M. Rich, as register of deeds, was the only one in the opinion of your committee, possessing the sanction of legality.

Your committee would wish to remove any impression in the minds of this honorable body and the citizens of Dakota, that the board of county officers first mentioned in this report, and the gentlemen assuming to be elected members of this council under their proceedings, have shown any desire in their several acts, other than that apparently prompted by a sincere wish for justice, and the evidence produced and the conduct of the gentlemen before your committee has been of that courteous, candid and straightforward character, which deserves and receives our unqualified esteem.

The evidence upon which your committee base their conclusions is herewith presented in part, though not in such concise form as will be readily accessible, owing to a lack of time on our part since our investigation was concluded.

Finally, in consideration of the facts and conclusions set forth in the foregoing report, based upon full, complete and satisfactory evidence, your committee believe that they have discharged their whole duty to the parties opposed in this contest, to the citizens of the first council district, and to this honorable body, and feel assured that from this statement you will be enabled to arrive at an equitable conclusion respecting the conflicting claims herein presented.

All of which is respectfully submitted.

GEO. W. KINGSBURY, Chairman,
HUGH COMPTON,
JOHN J. THOMPSON,
Committee on Elections.

This report, signed by the full committee, was adopted and Messrs. Frisbie, Rich and Mathers, were admitted to seats.

A report of the same general tenor made to the House by the Committee on Elections was signed by a majority of the committee, viz., W. W. Brookings, chairman, and William Shriner, of Clay; but no minority report was submitted. The House adopted the report admitting N. J. Curtis, Asa Mattison, B. A. Hill, Dinneen Ross and Rev. Albert Gore, a Baptist clergyman. The contestants were Michael Ryan, Thos. C. Watson, D. Gross, M. LaSaves and John McBride.

There was also a contest in both Houses from Bon Homme County, Daniel F. Bradford and John H. Shober claimed the seat in the council; and L. H. Litchfield and Henry Brooks and R. M. Johnson were claimants for the House seats. The county was entitled to two.

In the Bon Homme contests a majority of the House committee made the following report:

Mr. Speaker:—Your Committee on Elections find that in the case of Bon Homme County, Mr. Warford, who claims to be the register of deeds of said county and gave a certificate of election to R. M. Johnson, was appointed a deputy register of deeds of said county in the summer of 1862 by one H. W. Granger, who ceased to be a resident of said county before the fall election of 1862, if he ever was a resident of said county. That said Warford has no other claim to the office of register of deeds of said county, except by an election held in the night, after his party had broken up the legal and regular election, and destroyed the ballots.

Further, your committee find that L. H. Litchfield was appointed by William Jayne, governor of the territory, register of deeds of said Bon Homme County, on the 1st day of August, 1862, and that from all the evidence before your committee, he is the only legal and proper register of deeds in said county; and that the persons having the certificates of election from said Litchfield are the only legal representatives of said county, to wit: L. H. Litchfield and Henry Brooks.

Further, your committee would notice the fact that there is but one claimant under the Warford certificate. Therefore your committee recommend that Messrs. Brooks and Litchfield be permitted to take their seats in this house as the legal representatives of Bon Homme County.

W. W. BROOKINGS, Chairman,
WM. SHRINER,
Committee on Elections.

Yankton, December 1, 1862.

This report was adopted by the House and Brooks and Litchfield seated.

A similar report, signed by the full Committee on Elections was submitted to the council, recommending the admission of Daniel P. Bradford, which was adopted and Mr. Bradford was sworn in. There were no further contests. The members admitted in both Houses were candidates on the unconditional Union ticket. It may be safely stated, however, that all members in both Houses were Union men; the only dividing line being the supporters of Governor Jayne and those who adhered to General Todd. On this issue the council stood nine for Jayne and three for Todd; and the House eighteen for Jayne and three for Todd. The Red River region was not represented in either House.

The annual message of Governor Edmunds was delivered to a joint convention on the third day of the session. It is here given except the portion treating of national affairs:

Gentlemen of the Council and the House of Representatives:

A year has elapsed since last you assembled in this hall to deliberate and enact laws for the government and welfare of our people. A year of great trial to our country; a year of intestine war and bloody feuds; a year in which our loyal and patriotic citizen soldiers have, by their bravery, indomitable energy and perseverance, obtained great and important victories over our enemies; a year in which whole states have been conquered and reclaimed from the possession and control of the traitors, who have for more than two years and a half, been engaged in murdering and plundering our fellow citizens, and devastating our once happy, united and peaceful country; a year of border war with the relentless, implacable and heartless savages of our own territory, and still we have a country and government left us, of which we may all be proud, and which should be the pride and boast of every true, patriotic and loyal American citizen, whether such by birth or naturalization. While all this has been transpiring in our country the past year, we have every reason to feel thankful for the blessings that have been bestowed upon us by an all wise, overruling Providence, and should fervently thank Him for his continued mercies vouchsafed to us.

Two expeditions have been fitted out the present season by the Government, at great expense and at a time of great peril to our whole country, when the aid of every able bodied man was needed by the Government for its protection against traitors—one from the State of Minnesota, the other from the State of Iowa—both of which have, by long and tedious marches westward, traversed nearly the entire breadth of our country, having for their object the punishment of the Indians engaged in the massacre of the whites, our neighbors in the State of Minnesota, and for the depredations committed by them on the

state, and in our own territory, within the past eighteen months; and though ample force was provided by the Government in both cases, and both succeeded in coming up with the Indians and inflicting some punishment upon them, I am sorry to say that in neither case has the punishment been of that severe and decided character as will be likely to end this bloody, expensive and harassing war; and there will doubtless be a necessity for another expedition next season. This circumstance is greatly to be regretted, from the effect that a border war of this character has upon the settlement and development of our territory and the increased expense to the general Government caused thereby. While I would censure no one for these failures, who have been connected with either of these expeditions, I feel that I would not be discharging my whole duty without expressing the opinion that the plan of these campaigns was on a much larger and more expensive scale than was necessary to accomplish the object, and was not organized on a basis to insure dispatch and thereby success. In connection with this subject I believe it to be due to Brigadier General Sully, who had command of the expedition up the Missouri River, to mention some of the obstacles which surrounded him in the execution of his part of the campaign. It is well known that in consequence of the unprecedented low stage of water in the Missouri River, the boats chartered to accompany the expedition, were delayed much beyond the expectation of the officers in command, and when they arrived at headquarters (Sioux City), were found to be almost useless for the purpose for which they were chartered. The failures to furnish animals for land transportation also caused much delay, and when they were finally furnished, many were in such a condition as to be entirely useless. The unprecedented drought, which destroyed the prairie grass, made it necessary for a much larger amount of land transportation than would have been necessary had the season been an average one. These obstacles, doubtless, prevented General Sully from moving his command in time to meet General Sibley, as was contemplated in the original design of the campaign.

After garrisoning the several military posts in the Indian country, and distributing at proper points along the frontier a sufficient force to protect the settlements, I am of the opinion that one full regiment of cavalry, well armed and provided with pack mules sufficient for their necessity, under the command of active, energetic and determined officers, who have no feeling but a desire to punish and thoroughly subdue these Indians, would accomplish all these ends in one campaign, and that a short one.

With all the vigilance exercised by our officers along the frontier (and I most cheerfully accord to them the exercise of this cardinal military virtue), the Indians have made frequent raids upon isolated settlers, have committed several most atrocious and cold-blooded massacres, stolen many horses and much other valuable property; and none engaged in these raids have, to my knowledge, been in the slightest degree punished. Why this is so, I am unable to say, but am irresistibly led to the conclusion that the system adopted is radically wrong. If so, and experience and results would seem to establish the position, then why not exchange it and try some other? Long and rapid marches must be performed; quick and heavy blows must be given; severe and ample punishment must be inflicted upon these Indians, to effect the object desired; and it is to be hoped that such a policy will in future be adopted by the Government as will speedily insure a lasting and permanent peace, and bring quiet and tranquility to our harassed citizens.

Two years and eight months have now elapsed since Congress saw fit to construct the machinery for putting into operation our territorial government; and on a change of administration which occurred only two days thereafter, and as soon as our own present excellent chief magistrate had fairly got the reins of Government in hand, our first governor, his excellency, William Jayne, was appointed, and very soon thereafter repaired to the post of official duty and proceeded to put the wheels of our territorial government in motion. The task was a most delicate, arduous and difficult one, and most faithfully was it accomplished. As an evidence of the favor with which our people have looked upon and appreciated this selection of the President, and as a just reward for constant courtesy, fairness and uniform kindness, and the impartial manner with which he discharged the trusts imposed upon him, our people, within a little more than fifteen months after his arrival in our territory, with great unanimity selected him to represent them at the national capital. He, by the choice of our citizens, thus becomes our second delegate in Congress. Important results have been anticipated by our citizens in connection with the selection, not only from the fact of his intimate personal relations with the President, his earnest, hearty and cordial sympathy and identity with the administration; his fidelity, patriotism and love of country, but also for his condemnation of rebels and rebel sympathizers wherever they are found.

I would call your attention to the importance and necessity of inaugurating a thorough and complete system of common schools in this territory, for the benefit of rising generations. Congress has, by its enactments, understanding well the importance to American citizens, set apart two sections of the public domain in our territory to every six miles square, as a basis on which to found a permanent and enduring school system, which if properly cared for, will in time enable us to establish a system of free schools, with such an endowment as will cause the burthens of such a system to fall lightly upon our citizens. The importance of having a common head in our school system, it appears to me must be patent to all. The plan adopted at your last session, of county superintendents, may be well so far as it goes; but it appears you have in this inaugurated just so many independent school

systems as there are organized counties in the territory. Such a system must, in a short time, lead to almost inextricable confusion, the result of which will be to bring the whole plan into disrepute. Wise and judicious modes of education, patronized and supported, by communities, will draw together the children of all grades of society, among whom it makes no distinction. It will cultivate the natural genius, elevate the soul, excite laudable emulation to excel in knowledge and benevolence, and it will reward its benefactors by shedding its benign influence on the public mind and morals. Education inures men to thinking and reflecting, to reasoning and demonstrating, and enables them to discover the moral and religious duties they owe to God and their country. It leads our youth to the study of human nature, society, and universal history, and causes the mind to be interested in discovering truth, and will at least, induce a large majority to array themselves on the side of and in the defense of truth.

I would recommend such an amendment of our school law as will make these county superintendents amenable and subordinate to a territorial superintendent, who shall be elected by the people, who shall have the general supervision of our school system. It appears to me that our common school system will be very imperfect and ineffective until this is done. I deem it of the utmost importance in inaugurating a system of the magnitude that this will ultimately become in this territory to future generations, that we start on a firm, sure and perfect basis.

Our election law needs amending in many particulars. Its workings have demonstrated the necessity of more stringent provisions to prevent illegal voting; for the protection of the voters and ballot box at the polls, and for the protection and safety of the persons of the judges and clerks of election. It is desired by all that every actual bona fide resident of Dakota of lawful age, who is a citizen of the United States, and has resided the requisite time in this territory, shall have the privilege of voting unawed by any person or faction. While this is the feeling, it is at the same time important that every possible safeguard should be thrown around the ballot box to preserve its purity, in order that the actual wishes of our citizens may be arrived at, as expressed through that medium, and at the same time the law should be so guarded that no one, not actually entitled to exercise the right of suffrage, whether in the military service or not, shall be permitted to vote at any election in this territory without incurring such fines and penalties as shall deter all such persons from offering to vote. I would recommend a change in the time of holding our annual elections from the first Monday in September to the first Tuesday after the first Monday in October, in each year, and the enactment of a law making it a high crime for any person or persons, except the judges of election, or those whose duty it is made by law, to interfere in any manner with the ballot box or the ballots, and attach such fines and penalties in such case as will be likely to deter in future all efforts at interference by outsiders in such cases.

The subject of fostering and promoting immigration into our new territory is a matter of vital importance to our whole people, and cannot well be overestimated. The individual efforts of some of our citizens in this respect very justly deserve your attention and commendation, and should receive that encouragement at your hands that the importance of the subject would seem to indicate. The efforts made by Surveyor General Hill in this direction, though as yet attended with no very decided results, would seem to have laid the foundation for a large and flourishing settlement from the Empire State; and when made as in this instance, from an earnest desire to promote our growth and increase our material wealth and importance as a people, full credit and co-operation should be given him, as far as possible, on your part. I would recommend that you memorialize Congress for an allowance of \$1,000, to be placed at the disposal of three commissioners of emigration, to be by them used in such manner as will be deemed most likely to secure the desired object. I have no doubt that this sum, judiciously expended, would accomplish results that would be entirely satisfactory to our citizens; even though it should be necessary to have this sum annually deducted from the appropriation by Congress for legislative purposes in our territory, and if necessary to secure it, I would recommend that you ask that this amount be deducted from year to year, to be so applied. With the view of securing the services of able and competent men, who will carefully guard this expenditure, and make it accomplish as much as possible, who can afford to serve gratuitously, would recommend that our chief justice, secretary and surveyor general constitute said commissioners.

The recent discoveries of rich deposits of gold in our neighboring territory, Idaho, have very justly attracted a large share of attention, not only in our own territory, but in all the northwestern states and territories, and the question of most importance among the numerous persons who have had their attention directed to this new Eldorado, and who are now desirous of making a pilgrimage thither, seems to be "how to get there" and "which way to go." But two routes have thus far been available to the numerous persons who have left our territory for this auriferous region. The shortest, most practicable and expeditious route at present is via the Missouri River, upon the stage of water as such, to about 100 to Fort Benton, by steamer, thence overland by teams or pack mules, to the gold fields. The other is by a long and tedious route, overland by way of Oregon, to Fort Kearney and Laraine, to Salt Lake City; thus traveling, in taking the longer route, over six hundred miles further than necessary to reach the desired point, provided an improved route was opened through our own territory, and protection afforded those who pursued

visit the gold mines of Idaho. The importance of opening a direct route to those mines through our own territory, and turning the tide of emigration this way, cannot well be overestimated, either to the emigrant or to the interests of our people. To the emigrant as a means of shortening his long and tedious marches, by reducing the distance over six hundred miles, and by saving from three to four weeks' time; to our own citizens by affording to our farmers a ready market for all their surplus produce at their own doors, thus saving the necessity of cartage and necessary absence from the fields of their labor; and to our merchants and business men, from the increased demands made upon their stocks and business by the emigration flowing constantly past their doors, making it necessary for them to establish large and extensive depots of supplies in the way of mining implements, provisions, and other articles necessary to supply the wants of a people about to engage in such a business. The shortest, best and most practicable route to the gold fields of Idaho, from any of the northwestern states, is undoubtedly through the settled portion of our territory, to the mouth of the Niobrara River, or Fort Randall, from thence along the divide between the Niobrara and White rivers; thence under the base of the Black Hills, passing the sources of the Yellowstone to the Forks of the Missouri. I trust our delegate in Congress will, at an early day, urge the matter upon the attention of Congress in such a manner and with such force, as will secure an appropriation sufficient to open the route and secure protection to all who may desire to avail themselves of the shortest route to these mines. This matter is also of vast and vital importance in another point of view, from the fact that this route would pass through the very heart of the Indian country, and its effect, in my opinion, would be, in a very short time, to satisfy the Indians of the folly of their efforts to exterminate the whites, and would soon cause them to come forward, make treaties of peace, and at no very distant day, lead them to locate upon the reservations, and by judicious management cause them to abandon their present mode of life and turn their attention to agriculture and the arts, ultimately civilize them, and finally become, as they are undoubtedly capable of becoming, in the course of time, respected and esteemed citizens—no longer a terror to defenseless women and children, and a barrier to the advancement of settlement and civilization.

The subject of the location of the northern branch of the Union Pacific Railroad is justly attracting a large share of the attention of our citizens, and its importance to our people cannot well be overestimated when we take into consideration the very important fact, which is susceptible of positive demonstration, that the shortest and indeed only practicable route for this road, from Sioux City westward, is through our own territory along the Valley of the Missouri River, to the mouth of the Niobrara; thence up the valley of that stream to or near Fort Laramie; thence to the South Pass. The saving of distance in adopting this route cannot be less than one hundred and fifty miles, to say nothing of the difference in the cost of construction, which may be estimated at many millions of dollars, as in following the valleys of these streams a grade is already virtually established, timber and water in abundance is at hand to construct the road and supply it for years; while in the other case, in adopting the route contemplated in the bill as passed by Congress, the road would run for a long distance over the most hilly and broken country several hundred miles, entirely destitute of timber, and, I suppose, for a long distance of water also; with the additional expense to the company of maintaining and operating an extra one hundred and fifty miles of railroad of the importance of the one under consideration. It appears to me that it is only necessary to call the attention of members of Congress to this subject, to cause them at once to take such action as will secure to our people a fair participation in the benefits to be derived from the construction and operation of this road. I would recommend that you memorialize Congress on this subject, setting forth the advantages of adopting the line of route indicated, and praying Congress to authorize the Missouri and Niobrara Valley Railroad Company to construct a railroad and telegraph line from the Big Sioux River, near Sioux City, Iowa, by the most direct and feasible route to such point as will connect said railroad with the Union Pacific Railroad, in the direction of the South Pass of the Rocky Mountains, on the same terms as is provided for the construction of the Union Pacific Railroad, by act of Congress approved July 1st, 1862.

None of the public domain in our territory having as yet been brought into market by the general Government—a fact which happily accords with the present desire of our citizens, who all feel that in this matter the Government has consulted the best interests of our actual settlers—we have inaugurated no system of taxation, and as a consequence, have no means at hand of showing, by actual and reliable returns, the favorable condition of our citizens engaged in agriculture, manufacture, or the arts, or the large and important interests of our stock growers. While this will be a matter of pride and boast to our citizens, when compared with other sections of the country, taking into consideration our population, and the recent purchase and redemption of our territory from the Indians, we all feel that it would not be compensated for by placing the public lands in a position to be entered by speculators or non-residents, to be held for years at a largely enhanced price, to the great detriment of our territory and our actual bona fide settlers. We cannot but feel thankful to the Government for its liberality to us in this respect, particularly when we consider the enormous amount of money required, and the great relief that would be afforded by large sales of public domain. Here, free homes are offered by our beneficent Government to actual settlers, in a country unsurpassed in salubrity and purity of climate,

and where whole townships and even counties, of vacant lands are found, as productive as the savannahs of the South. There are today thousands of men in the eastern and middle states that have constantly toiled from year to year for a subsistence for themselves and families, on a few acres of well worn rented land, and paying in many cases a price per acre for the use of such lands per annum, as would secure in our territory a homestead of 160 acres of as fine lands as the sun ever shone upon, every foot of which is susceptible of the highest state of cultivation, at less cost in labor than in any country to be found in the eastern or middle states. The small farmers in these states have only to see these lands and all the surrounding advantages to appreciate the liberality of the Government, and the great advantage of seeking a home in our territory, where but a few years of the same industry and economy practised by them in their eastern homes, from childhood, would be requisite to make all comparatively independent in a pecuniary point of view.

I transmit herewith the full and very able report of our territorial auditor, to whom much credit is due for the fidelity with which he has discharged his laborious and arduous duties. Incorporated in the report of the auditor is that of Hon. James Tufts, special commissioner by act of our last legislative assembly, approved January 9th, 1863, to pass upon claims of our citizens for military services under the proclamation of my predecessor, issued on the 30th day of August, 1862, calling out the "entire militia of the territory," for the protection of the lives and property of our citizens. With great promptness and unanimity our citizens responded to the call of the governor, remained in service and afforded ample and perfect protection until the immediate danger was over, and until relieved by a force of volunteers regularly mustered into the service of the United States. The best commentary on the faithfulness and fidelity of Commissioner Tufts in the discharge of his delicate duties is shown in the aggregate of these claims, which only amounts to \$28,137.17, for two months' service of our militia, including rations, forage, transportation, etc. These figures can but compare favorably with claims of like character which have accrued in other territories under similar circumstances. I would renew the recommendation of my predecessor in his last annual message, that you memorialize Congress for an appropriation sufficient to refund to the territory all the expenses incurred by her in providing for the maintenance of the militia on the occasion referred to.

I transmit herewith the report of Adjt.-Gen. C. P. Booge, which shows the present status of military affairs in the territory so far as returns have been made to his office; but which, owing to the negligence of some of the company officers, and the imperfection of the law creating our militia system, are necessarily very imperfect and unsatisfactory in their details. In case injustice is done to individuals, it is caused by the negligence of the officers in not making proper returns to the adjutant general. The reforms recommended by General Booge are such as experience has shown to be necessary; and I hope you will provide an efficient law, and a suitable place to store the arms and property of the territory.

The subject of military protection is one in which all our citizens take a deep interest, and it is one of vital importance to us, as unless ample protection is afforded by the Government, we cannot expect our isolated settlements will flourish and expand. I am fully convinced that a line of military posts, extending from the Minnesota state line, across the southeastern portion of this territory, intersecting the Missouri River near the mouth of Crow Creek, under command of officers who will make themselves active in the discharge of their duties, will afford our settlers, and those of northwestern Iowa and southwestern Minnesota, better protection, at less cost to the Government, than can be afforded in any other way. Should the Government see fit to establish military posts at Lake Shetek, in Minnesota; at or near Sioux Falls; and at the crossing of Dakota River near the mouth of Flint Creek, in this territory; with proper energy and activity on the part of the troops at these several stations, I believe full, ample and perfect protection could be afforded to all the frontier settlers of Minnesota, Iowa and Dakota.

An unfortunate controversy has existed in two of our organized counties, from the time of their organization under the laws passed at the first session of the Legislature, to the present, and to all appearances is no nearer a satisfactory solution than when first inaugurated. This controversy has been a source of much anxiety and regret to our citizens generally and has had a most damaging and deleterious effect upon the prosperity and development of the counties wherein it exists; and what is more to be regretted, has been the cause of fostering and keeping alive an ill feeling among neighbors and those who would otherwise be warm personal friends. I hope in your wisdom, you will devise some means of settling and disposing of these unfortunate controversies, which shall have the merit of being strictly just to all the citizens of Bon Homme and Cole counties, and rely on time and strict justice to heal the unfortunate differences and ill feeling which now exists in those counties.

Hoping that your deliberations may be characterized by such courtesy, forbearance and justice as to give no ground of complaint on the part of any one, I solicit from you your counsel and hearty co-operation in all matters calculated to promote the well-being of Dakota. I deem it my duty, and it will be a pleasure to me to furnish you all the information within my reach, calculated to aid you in your deliberations, in arriving at just and equitable conclusions on all subjects, and I shall most cheerfully and heartily

with you in all measures calculated to promote our growth and increase our material wealth and prosperity.

In conclusion allow me to express the hope that ere the return of the next annual meeting of the Legislature, we may, through the aid of Divine Providence, look upon a re-united, peaceful, happy and free country.

NEWTON EDMUNDS.

Neither Minnehaha County nor the Red River country were represented directly in the Legislature. Mr. Brookings, who represented Minnehaha during the first two sessions was now a citizen of Yankton and a representative from that county. Minnehaha County had been entirely abandoned owing to the Indian troubles and it had been attached to Clay County for legislative and judicial purposes.

Early in the session a bill was presented repealing the law creating the counties of Kittson, Chippewa, Cheyenne and Stevens in the Red River of the North and also repealing the law creating the seventh council and representative district, which gave these counties one councilman and two representatives. The repealing statutes were passed and became laws. The grounds upon which the Legislature acted are set forth in the report of the council committee appointed specially to consider and report on these measures. That committee reported as follows:

Your committee conclude that at the time the section of country comprised in the counties of Kitson, Chippewa, Cheyenne and Stevens, was erected into a council and representative district, the knowledge possessed by a majority of that Legislature regarding that section of the territory was largely speculative, and that but an imperfect and doubtful opinion existed respecting the rights belonging to persons residing in that country. An accommodating disposition prevailed among members of the Legislature and as all public matters regarding the territory were at that time taking preliminary degrees, each representative of a local interest was indulged, as near as could be, without that strict regard for justice and legality which time and mature reflection would suggest.

The fact that the counties above named were created on a domain to which the Indian title had not been extinguished, and consequently not under the executive or judicial jurisdiction of our local territorial courts and laws, is of sufficient importance to demand the repeal of the acts creating them. The fact that the representatives from that country, when residing there, are not amenable to the laws they themselves aid in enacting, is sufficient cause to justly deny them any participation in the enactment of such laws. They enjoy a total immunity from taxation, and are practically without the jurisdiction of the territory except so far as our federal courts may have jurisdiction.

Your committee furthermore believe that a very erroneous impression is entertained by the people of the territory residing on the ceded lands regarding the persons who make up the population of the counties above named. From information of an authentic character your committee are led to believe, that with the exception of a few licensed traders, and itinerant missionaries, and a custom house officer and his assistants at Pembina, the residents of that country are composed of Indians, half breeds, a few Canadian and Scotch farmers that had strayed across the boundary from the Selkirk Settlement in the British possessions, but were not naturalized citizens of the United States and who have removed back into their old homes in British America since the Indian war began in 1862.

Aside from these considerations your committee firmly believe that the general interests of that section will be best subserved by the passage of the bill under consideration; as it will serve to direct attention to the obstacles which prevent the occupation and settlement of that country by the white race and by the people of the United States, and will hasten action on the part of the general Government to secure the extinguishment of the Indian title to the soil, and the opening of the country, which is said to be rich in natural resources, to settlement and civilization. Your committee, therefore, recommend the early passage of the bill.

The bill was duly passed.

This session of the Legislative Assembly terminated on Friday, January 15, 1864. Its labors had been more in perfecting existing laws than in making new ones. Owing to the great preponderance of the "unconditional Union" members there was entire agreement on all political matters. Among the measures enacted was an entire new election law; a general common school law; changing the name of Cole County to Union; providing for the appointment, by the governor, of territorial auditor and treasurer as provided by the organic act; repealing the act

creating the counties of Kittson, Stevens, Chippewa and Cheyenne, on the Red River, and also repealing the provision of law granting to that district representation in the Legislature; incorporating the Dakota historical association; incorporating the Minnesota and Dakota Railway Company; defining the boundaries of Buffalo County and attaching it to Charles Mix for judicial and election purposes; constituting Yankton and Jayne counties the Second Judicial District, and attaching to the district all the ceded lands in the territory not embraced in the other districts; a divorce law, creating Gregory County; making the librarian of the historical society custodian of the territorial library. (This library was a splendid collection valued at \$5,000. The books were passed out during the sessions of the Legislature and in time the number of volumes had notably decreased and were never recovered.) A large number of memorials to Congress for appropriations to build bridges; establish mail routes; erect military posts; grant donations of land for building a State University at Vermillion; for a geological survey, and whatever could be suggested to aid the delegate in Congress in securing legislation and in obtaining departmental favors. A memorial for an appropriation to construct a capitol building was one that met with unanimous support, but it would seem that there were a number of Yankton citizens who would regret the success of such a measure as it would deprive them of a valuable asset which they were receiving for buildings rented by the Government, which included legislative halls, executive office, secretary's office, United States marshal's office, court rooms and surveyor general's office. A joint resolution was passed giving the returns of the election of 1862 for delegate to Congress, and strongly supporting the claims of ex-Governor Jayne to the delegateship.

At this session of the Legislature a law was enacted, approved January 9, 1863, appointing and authorizing a commissioner to audit the military accounts of the Territory of Dakota arising from the Indian troubles of 1862, and Hon. James Tufts was appointed by the law as such commissioner, and was directed to have such accounts audited and presented to the territorial auditor by the 18th day of March following. Hon. Justice Townsend was then territorial auditor, but having received an appointment as army surgeon he deputized Robert M. Hagaman as deputy who attended to the issuing of territorial warrants for all accounts audited by the commissioner. These accounts were for services rendered as members of the Dakota militia under the proclamation of the governor dated August 30, 1862, and for material and supplies furnished in constructing stockades and in forage for animals and rations for the troops. This report of the commissioner formed the principal feature of the first report of the territorial auditor, and is presumed to contain the names of every able bodied male person in the territory at that time capable of firing a gun, except those persons who had enlisted in Companies A and B, Dakota Cavalry, whose names are given at the time of their mustering into the service of the Federal Government.

FIRST ANNUAL REPORT OF TERRITORIAL AUDITOR

Auditor's Office, Yankton,
November 30th, 1863.

To the Honorable Council and House of Representatives

By the 53d chapter of the laws of 1862 and 1863 it is provided that all accounts and claims against the territory, which shall be by law directed to be paid out of the treasury of the territory, shall be presented to the auditor, who shall examine and adjust the same and shall issue bills or warrants, payable at the territorial treasury for the sums which shall be found due from the territory, specifying in its bill the date of its issue, and the name of the person to whom payable.

And also, that "the auditor shall annually make out an accurate statement of the receipts and disbursements of the treasury for the preceding year, ending on the last day of the month previous to the one during which the legislative assembly shall commence its annual sessions; also of the unexpended balance on any thereof, and shall report the same to each branch of the Legislative Assembly on the third day of its session, together with his remarks on the finances of the territory as he shall deem proper, for the consideration of the same."

the Legislative Assembly." In compliance with the foregoing provisions I have the honor to submit the following report, embracing, as far as practicable, the details required:

The total number of warrants issued up to the 30th day of November, 1863 (exclusive of military warrants), amount to \$480.00, to wit:

No. 1, May 8, 1863, James Tufts	\$120.00
No. 2, May 8, 1863, J. R. Hanson.....	120.00
No. 3, May 8, 1863, Wm. R. Goodfellow.....	44.00
No. 4, May 8, 1863, Wm. R. Goodfellow.....	196.00
Total	<u>\$480.00</u>

All of which warrants are outstanding, and for the payment of the same there is no money in the treasury. The several acts creating and regulating the offices of territorial treasurer and territorial auditor, provide that the treasurer and auditor shall furnish for their respective offices suitable books, blanks, etc., neither of which requirements have been complied with for want of the necessary funds in the treasury, and for the same reason the auditor has not been able to furnish his office with a seal as required by law. The following estimate will indicate the probable amount of liabilities on the last day of December, 1864:

Present outstanding warrants	\$480.00
Books and stationery for treasurer's office.....	20.00
Book blanks and stationery for auditor.....	25.00
Seal for auditor's office	10.00
Salary for treasurer from October 1, 1862.....	112.50
Salary for auditor from May 20, 1862.....	129.16
Total	<u>\$776.66</u>

To meet these liabilities, I would recommend that an appropriation be made by the Legislature, and that a territorial tax be levied upon the real and personal property within the territory, and a tax of one dollar upon each male citizen of the territory. With a capitation tax as above suggested, a tax of five mills on the dollar on real and personal property, though light, would, in my judgment, raise sufficient revenue to meet the ordinary expenses of the territory. I hope you will take these suggestions under consideration, and act upon them as in your wisdom you may deem necessary and advisable.

JUSTUS TOWNSEND,
Territorial Auditor.

[Note.—See Chapter XXXV, page 380, for the report of the commissioner with the names of the militia organizations and their members.]

CHAPTER XXXI

IMMIGRATION FROM NEW YORK

1864

1864, IMMIGRATION—HARD TASK OF THE PIONEER FARMER—GENERAL HILL, A FRIEND OF DAKOTA—THE NEW YORK COLONY VISITED AND ADDRESSED BY GENERAL HILL AND DOCTOR BURLEIGH—ITS ORGANIZATION—SETTLES IN DAKOTA—ITS MEMBERSHIP AND WHERE THEY LOCATED—DAKOTA'S RIVALS IN THE IMMIGRATION FIELD—BEGINNING OF EMIGRATION TO THE SALMON RIVER GOLD FIELDS—THE MISSOURI RIVER ROUTE—A ST. LOUIS COMPANY OF CAPITALISTS.

During the winter of 1863-64, Governor Edmunds was in correspondence with the officers of the "Free Homestead Association" of Central New York, whose headquarters were at Syracuse, and the letters he received were of an encouraging nature. Another association was forming near Ypsilanti, Mich., for the purpose of bringing into the territory a numerous body of good citizens. These movements added greatly in disseminating a cheerful and hopeful disposition among the pioneers of Dakota, who were thoroughly united upon any proposition that looked to increasing the population of the territory, however they might differ regarding some other matters. It was conceded on every hand that the first great need of the territory was population. Without it all enterprise was little better than wasted. More producers and more consumers meant more of everything and prosperity for all. The new comer was always greeted with a welcome that was hearty and genuine, and made to feel that he was "one of us." Farmers enjoyed the "right of way" when it came to any preference in extending the hand of fellowship, and if they came with shallow purses and empty handed, as many did, and exhibited the qualities of industry and honesty, they obtained without much difficulty such reasonable assistance as served to place them on their feet and give them a fair start. Dakotians were generous in this feature of their policy, and all stood ready to extend the helping hand in worthy cases. Notwithstanding this friendly and helpful disposition, the farmer pioneer had serious obstacles to contend with. It is not a small task to make a home and construct a farm on the untamed pathless prairies, remote from neighbors, without roads or schools, or any of the advantages and comforts which the inhabitants of a compact settlement enjoy. It is a hero's and a martyr's life work, if it is well done. No one can properly estimate the trials and discomforts of such an experience except those who have passed through them, and can view it in after life from the standpoint of success; from a comfortable home, ample well filled barns, fruitful fields and orchards and beautiful groves, and pastures rich with their cattle, swine and horses, and merry children making the home life real. This is the reward that has come to thousands who began almost penniless, with the clouds of adversity hanging low and threatening in almost every direction, and it is from the lips of such men and women we can hear a story of home building, through danger, toil, privation, and suffering that in printed words would appear more like dream of fiction than a story of real life. This pioneer work of building a home

would seem to be the most arduous and the most important and noblest that can engage the time and energies of man; and all these disagreeable features are intensified beyond estimate in the case of the pioneer of slender means.

In the early days of Dakota's settlement, and this it may truthfully be claimed, covered a period of eight or ten years, the question of the adaptability of the soil and climate to the successful production of grain and vegetables, was a theme frequently and seriously discussed. A great many good men sincerely believed that it was not so adapted. Drouth and grasshoppers were yearly visitors. The writer of these pages has heard the opinion expressed by men of fairly good judgment, who had engaged more or less in farming in the eastern states, that Dakota was not suitable for civilized people. That it was not designed for a farming country. That the Great Architect and Creator did not intend it for civilized people, but had made it for the Indians, and the buffalo, and that the whites were only flying in the face of the Almighty's great purpose, in wresting the country from them. As late in 1868-70 opinions of this kind were expressed by men who had then some experience here as well as elsewhere, and whose utterances were not made in the heat of excitement or discussion, but given as the verdict of careful study and painstaking investigation, that the climate of Dakota stood as a formidable and incurable barrier to the successful cultivation of the soil, and that all attempts to make a success of raising crops would prove disastrous failures. And we believe the truth will justify the statement that this view was not confined to a few eccentric people but was held by many of the level-headed element and possibly by a majority of all the people residents of the territory at that time.

Still there were those who would not admit this gloomy view of the situation and very prominent among them was Gen. George D. Hill, the surveyor general. General Hill was not an influential man among the people of the territory, because of peculiarities of disposition that served to dwarf, in the estimation of the people, abilities of a high order. Some unfortunate characteristics socially, affected his standing. He could not have mustered a corporal's guard of friends outside of his own employees and their loyalty was sometimes open to suspicion. Nevertheless he was a man of brains. He had an excellent mental equipment, and fortunately in his life's experience he had to do largely with agricultural affairs and very naturally was a close and ardent student of everything pertaining to soil and climate and crops. He thought deeper and sounder and safer of such matters than most men, and when he came to give his conclusions they were backed by such an array of substantial reasons, that they were not easily refutable. The general stood manfully for Dakota's natural advantages as a farming country, and advocated it on the platform and through leading newspapers, east, to which his position gave him access. Prior to his coming to Dakota he had been president of the State Agricultural Society of Michigan and had made some addresses before that body that had attracted wide attention because of their value to practical farmers. This gentleman became the foremost champion of the natural resources of the territory at that time when such championship was so much needed, and fortunately for the territory he was among the first men of the West to get information regarding the formation, in Central New York, of a society called the "Free Homestead Association," and he was prompt in getting into communication with its officers, and directing their attention to Dakota. Subsequently he visited the association and made an address to its members and did not hesitate to recommend Dakota as the most inviting section of the West to a people in pursuit of the benefits which the Free Homestead Association had organized for the purpose of securing. The fertility of the soil of Dakota was not questioned, it was the lack of rainfall that was the most serious impediment, and the frequent occurrence of late frosts in the spring and early ones in the fall. General Hill's position was that the cultivation of the soil would bring an increase of moisture, the climate would become modified, and the late



GIDEON C. MOODY

Pioneer of 1864. Lawyer, legislator, United States District Court judge and prominent in political affairs. First United States senator from South Dakota.



JOHN R. GAMBLE

Pioneer of 1875. Prominent lawyer, legislator and in political affairs.

spring and late summer frosts would disappear under the more favorable climatic influence. His views have been abundantly vindicated in the school of practical experience. He urged the early planting of groves as an additional means of attracting moisture, and this has also proved a wonderful aid in the modification of the climate, favorable to agricultural pursuits.

The enactment of the homestead law by Congress in the year of 1862 awakened a sentiment throughout the United States favorable to the occupation of the public lands. The terms of the law appealed to the poor man and the comparatively poor throughout the country, because its provisions were so liberal as to make the obtaining of a large tract of fertile soil within the reach of all who were otherwise eligible to partake of its benefits. Uncle Sam was rich enough to give all of his children a farm.

As the wise provisions of this beneficent measure became known to the people of the country, movements were set on foot at different places to organize colonies and emigrate in large bodies to the new sections of the West, wherever soil, climate and natural advantages generally, offered the most favorable inducements. Such a colony was formed at Syracuse, New York, during the year 1863, called the "Free Homestead Association," with a numerous membership of parties who had accumulated each one, a small store of wealth, so the colony was in shape to remove with comfort and to begin their work of home building wherever they might locate in the New West, under comparatively favorable circumstances. The membership, counting only heads of families and single persons not members of any of the families was over one hundred. Counting the women and children there were nearly five hundred.

The secretary of this organization, and one of the principal working forces was Prof. James S. Foster, a Syracuse gentleman, who had for years been engaged in educational work in Central New York. The association, through correspondence, became acquainted with representative immigration agents and state officials in all the free land states of the West, and being so numerous a body and such a desirable class of people, these representatives of the New West were all anxious to secure them as citizens of their respective states and territories, and a result of this correspondence was that each of these western committees sent an agent to Syracuse during the fall and winter of 1863-4 for the purpose of laying before the association the advantages of their respective localities, and to impart such other information as would assist the association in determining where to settle. Dakota had no emigration bureau or official whose duties were connected with works of this character but the surveyor general of the territory, General Hill, had learned of the purpose of the association and had put himself in communication with its secretary, and was given a place on the list of states and territories which the colonists would consider before determining upon their destination or location. The general was notified during the early winter of 1863-4 that the "Free Homestead Association" would hold a meeting on the 16th of January, 1864, for the purpose of hearing what he had to present regarding the advantages offered by Dakota to home seekers. The general was punctual in keeping the appointment and was regarded by a full attendance of the enrolled members and a large number who were then on the anxious seat. His address was one of the best the association had heard and created a sentiment very favorable to Dakota.

Maj. W. A. Burleigh, the agent of the Yankton Indians at this time, had also learned of this "Free Homestead Association" and took occasion to stop off at Syracuse while on one of his visits to Washington, in December, 1863, at which time the association held a meeting and listened to what they pronounced one of the best speeches they had ever listened to from the lips of the versatile and eloquent agent. Doctor Burleigh had become thoroughly imbued with the opinion that Dakota was one of the most promising agricultural sections on the face of the earth and there was magnetism in his voice when he made an address on that theme. Having obtained all the information it was practical to obtain by

this method, the association, in furtherance of the same object, sent a delegation of its members to visit and inspect certain localities in Kansas, Iowa, Nebraska, Dakota and Minnesota, it having been definitely decided that the colony would make its selection from one of these states or from Dakota. Wisconsin and Illinois had been on the list but were now crossed off as not offering the special inducement of a large and compact body of lands sufficient to afford a homestead claim to every member, this being a matter of prime importance as the association had, as a leading feature of its plan, the founding of a village of its own in connection with its farming community surrounding it, where it could profit by the trade of its members through mercantile establishments and various industries set up by its members, who in addition to being farmers embraced nearly every ordinary business trade and profession. The usefulness of the church was also recognized and an able clergyman of the orthodox faith was among the colony's members. It will be readily admitted, now that we are acquainted with the full scope of the plan of this association, not only that it was a very desirable acquisition to any state or territory, but that no other section of the West could excel Dakota in furnishing the compact body of fertile lands surrounding points that promised, as the country developed, to become the centers of trade and industry. The embassy of experience and wise heads sent West on its errand of investigation performed its duty as thoroughly as circumstances would permit and returning home gave its report in favor of Dakota, and of Yankton as the best point for a temporary settlement until its further plans could be intelligently executed. The names of these ambassadors were James S. Foster and Ross Brown.

Their report was satisfactory and the members of the association now set about closing up their affairs and preparing for the grand movement westward.

To the West, to the West, to the land of the free,
Where the mighty Missouri rolls down to the sea.
Where a man is a man if he's willing to toil
And the humblest may gather the fruits of the soil.

This colony was the first organization in the United States to emigrate to the new Territory of Dakota. Their association was the result of an intelligent plan on the part of several enterprising and ambitious men to get away from the overcrowded East where the farming lands were too high in price for the man of ordinary means or with an ordinary income from the average trade or profession to think of owning a farm. The work they were engaged in, and the removal they contemplated, was based on the most commendable motives and endorsed by the highest wisdom and judgment and soundest practice of mankind, a work that must forever have the hearty approval of their conscience regardless of the fate which came to the individuals who made up the membership of the colony.

This association had an executive committee to which was finally assigned the duty of attending to all matters connected with the transportation of so large a number of people. This committee was made up of James S. Foster, W. H. Fowler, Chas. Van Epps, R. E. Fairchild and Grove Buell. Each member of the colony over fourteen years of age was required to make a deposit of \$25 with the committee as an evidence of good faith and permit the committee to go forward and complete its arrangements for the trip, which contemplated such a program that there would be no hitch or disagreement from the time of departure to the time of reaching their destination, which was at Yankton, Dakota Territory. The route agreed upon was by special train from Syracuse to St. Joseph, Missouri, via Buffalo, Chicago, and Hannibal to St. Joseph, thence by steamboat to Yankton. By this route a through ticket cost \$31, which included board on the steamboat from St. Joseph to Yankton, full fare being charged for all emigrants above fourteen years of age, half fare for all aged from five years to fourteen, and under five years, free. This was the route favored by the committee, but because some of the colonists wished to have the discretion of going by a different route, what was termed an all-land route, the committee recommended

that they leave the main body at Chicago and proceed to Marshalltown, Iowa, by rail, which was as far west as the railroads had penetrated at that day. At Marshalltown these emigrants were to purchase such equipment as was necessary and proceed to Yankton in true emigrant style, sheltered by the canvas-covered prairie schooner, propelled by mule, horse or ox-power, and camping where night overtook them in some of the romantic valleys of the Hawkeye State near the margin of its crystal streams.

Affairs progressed favorably with the Free Homestead Association, and about the 5th of April, 1864, its members boarded a special train at Syracuse, New York, and most of them bade a final farewell to the homes and friends and scenes they had known from infancy, to make new homes and new friends and new scenes in a land as new and untried as the land they were leaving was a century earlier. The trip West was uneventful; fortunately no accident marred the pleasure of the journey which possessed enough of novelty to awaken and hold their interest. As fate would have it the entire colony abandoned the "main body" and the steamboat transportation before reaching Chicago, possibly fearing sea-sickness which envious railroad men had informed them always afflicted those who ventured for the first time upon the boisterous, billowy Missouri, and elected to take the route via Marshalltown, thence across the plains to Yankton, a potent argument in favor of this route being that they would be able to purchase needed cattle and draft animals and wagons and many other articles necessary in founding their new homes to better advantage at the end of the railway than they could hope to do in the thinly populated territory to which they were going. This change of the route had one result not anticipated when it was decided upon, for it destroyed the unity of the colony to a material extent, as will be seen.

The colonists had their purchasing done and their overland outfits ready for the road on the 10th day of May, and nearly all got away from Marshalltown on that day. They kept together as well as it was practical so to do, until they entered Dakota at Pacquette's Ferry, and here some of the colonists separated from the main body and went up the Sioux. These settled on Brule Creek and above in a charming country; still others left the colony in Clay County and took claims. C. N. Taylor founded Lincoln, which became a stage station and is now Meckling on the C. M. & St. P. R. R. The majority of them, however, came through to Yankton and settled in and around the village, some going on to Bon Homme County, where they took up claims. Whether by chance or design, they did not proceed to carry out their original plan of settling in a compact body and building their own village, but went to work independently, securing claims as a rule, but a number took up their residence in the town and remained citizens. As it turned out, nearly every portion of the Dakota settlements then existing received an acquisition from this first colony, composed as it was of a superior class of people, intelligent, industrious, honest, law abiding and enterprising.

As this was the first colony of Americans to emigrate to Dakota—the pioneer colony—it is deemed historically important that their names be preserved upon the historic page that they may be known to succeeding generations, their pioneer labors appreciated, and be honored by their descendants, who are already quite numerous in South Dakota.

The appended list may be relied upon as correct. It was prepared by a daughter of the late James S. Foster, who was the leader of the colony. This lady was one of the younger children of the colony in 1864, and is now Mrs. O. H. Carney, of Yankton. She has possession of her father's records, and therefore is equipped to furnish reliable and accurate information regarding that important event in Dakota's early history. Added to the list is a brief notice of the death or present home of the old colonists and their descendants.

James S. Foster and wife who settled at Yankton and who have since died. Their children were Carrie, now Mrs. O. H. Carney, of Yankton; Cora, now Mrs.

George Miner, Mitchell; Martha, now Mrs. Barber, Mitchell; Miss Fannie Foster, Sioux City; T. Max Foster, Sioux City; Albert D. Foster, Idaho.

Charles W. Foster, brother of James S., and wife, of Yankton County and who have both died. The children were Edwin Foster, now in Minnesota; Elizabeth, now Mrs. Henry Newton, Yankton; Lettie, now Mrs. Curt, Oklahoma; Silas Foster, Iowa.

James D. Prentice and wife, Yankton County, have since died. The children were Elizabeth, now Mrs. Lyman Thomas, Yankton; Emory Guild, late of Bakersfield, California (recently deceased), and Mrs. Royal H. Jones, of Yankton.

Chas. N. Taylor and wife, who settled at Lincoln, now Meckling, Clay County, where Mrs. Taylor continues to reside. Her husband died a few years ago. Their children were Lorell Charles Taylor, who died; George Lewellyn Taylor, Hemingford, Nebraska; Henry Taylor, Meckling.

S. V. Bunker and wife, Yankton, both now dead. Their children were George Bunker, since died in Florida; Belle Bunker, died at Yankton; William Bunker, Chicago; Samuel Bunker, Yankton.

A. F. Hayward, now in Quincy, Massachusetts.

S. C. Fargo and wife, Yankton County. Mrs. Fargo resides on the old homestead south of Gayville, South Dakota. Mr. Fargo died a few years ago. The children were Charles Fargo, now in Deadwood; Ella Fargo, afterward Mrs. Thomas Dickson, now dead; Mary Fargo, also dead; James and Frank at home.

Charles Van Epps and wife, Yankton County. Mr. Van Epps is dead; his wife, Mrs. Louise Van Epps, resides in Yankton. The children were Allen Van Epps and William Van Epps, Yankton; Edith, now Mrs. Halle, St. Helena, Nebraska; Grace, now Mrs. Bull, Mason City, Iowa; Herbert Van Epps, Des Moines, Iowa.

Geo. I. Foster and wife, who now reside at Fargo, North Dakota. This Mr. Foster was a brother of James S. The children were Charles and Clara, both living at Fargo.

D. B. Andrews and family; F. C. Hill and family, and LaFayette Foster and family and settled at and in the vicinity of Sioux City.

Gideon C. Moody and wife, Yankton. Mr. Moody died at Los Angeles, California, in 1905. Mrs. Moody is now living at Los Angeles. The children were Helen, now Mrs. Doctor Dickinson, Los Angeles; Charles Moody, Sturges City, South Dakota; James Moody, Deadwood; Burdette Moody, Deadwood; Warner Moody, Deadwood. Since the above was written, Charles died at his home in Sturges, and Warner was murdered in Wyoming.

A. C. Brownson and wife, Yankton County. Both have since died, Mr. Brownson quite recently. The children were Eugene Brownson, Vermillion; Ellison, Valley, Nebraska; Caroline, now Mrs. Lowe, Beverly, Kansas; Mary, now Mrs. Fox, Elk Point; Herbert, Frank and George all reside at Yankton; Martha, now Mrs. Mathias, Olivet, South Dakota.

Louis H. Eliot and wife, Yankton County, now reside at Thonotosassa, Florida.

John Treadway and wife, Yankton County, both now dead.

L. W. Case and wife, with Mr. Case's mother and Miss Martha Case, his sister. Mr. Case settled at Vermillion and soon after removed to Yankton, where Mr. Case's mother and wife died a few years later. Miss Martha Case is now a resident of Yankton. Mr. Case some time after the death of his wife married a niece of Mr. W. W. Corliss. Mrs. Theodore De Vol and Mr. Ralph Case, both of Yankton, are his children. Both Mr. and Mrs. Case died quite recently.

J. M. Bostwick and family did not make a settlement in the territory. Neither did B. B. Andrews and family or A. Bookout and family. These parties returned to Webster City and Boone, Iowa, where they located, Andrews near Boone.

M. Coykendall (or Kuykendall) and wife, Union County. Their children Cassius and Mary, and three younger, are still residents of that county.

John McCall, single. Returned to Iowa with Doctor Loomis and afterwards married the doctor's daughter, Miss Mary.

A. L. Hinman and wife, Yankton County. Mr. Hinman died in 1905, at Oskaloosa, Iowa, where Mrs. Hinman now resides. The children were Ida, now Mrs. Graham, Yankton; Daisy, now Mrs. Samuel Bunker, Yankton; Will Hinman, Sioux Falls; Mame, now Mrs. Ennis, Oskaloosa, Iowa; Nellie now Mrs. Searls, Omaha.

R. L. Kenyon, of Jordanville, New York, and M. Kenyon, William Randall, J. Countryman and D. R. Marvin settled in the Big Sioux Valley. Their present whereabouts or those of their children has not been ascertained.

C. H. Fowler and wife and three children did not make a settlement in the territory but went back into Iowa and located.

Grove Buell, a bachelor, remained at Yankton a year, and then returned to his former home in Syracuse, New York.

Abe and Frank Alexander, brothers and young single men, settled in Yankton for a time, then removed to Bon Homme. Abe is now a prominent citizen of Campbell County, South Dakota, and Frank, after spending several years in the public land surveys went to the Black Hills.

Mr. Fielding and wife and son Richard, settled at Lincoln, now Meckling, where they died some years ago.

Dr. J. O. Loomis and son Orine, discouraged by the drought and grasshopper raid, left the territory in 1864 and settled near Webster City, Iowa.

Rev. L. B. Judson and family, Bon Homme. Did not remain long in the territory. Reverend Judson represented the Baptist Home Mission Society.

R. E. Fairchild and family and G. C. Cole and family settled in Bon Homme County but became discouraged in a short time and removed to near Webster City, Iowa, where they now reside.

Franklin Bronson and wife, Yankton County and Buffalo County. Both have died. Their children were Nettie Bronson, now Mrs. John J. Thompson, Philadelphia; Charles, Frank, George and Harriet, all of whom are dead, and all but Frank died at Yankton. Frank died in Sioux City. Harriet became Mrs. Clyde and left one daughter, Ethel Clyde, who is now Mrs. Miles and resides in Chicago.

The success which had attended the efforts of Yankton to secure immigration, as attested by the coming hither of the New York colony, created quite a little envious comment among the people and by the newspapers in the sparsely settled portions of Iowa and Nebraska.

Every western community of any note was striving to secure an increase in population. Dakota's success was made the subject of a leading article in the Omaha Republican, the leading Nebraska journal in 1864. The Republican, designing only to arouse the Nebraskans from an apathetic condition, told the story of the coming to Yankton of "eight hundred to one thousand population at one time," and added:

Yankton is about one hundred and twenty miles due north of this place, and 180 miles distant by the usually traveled route. It is out of the line of travel, with no particular commercial, agricultural or stock growing advantages. Yet we have the foregoing testimony in regard to what that people have accomplished. It is no sense to blink the fact, and we refer to it not out of a spirit of jealousy, but to induce our leading men to turn their attention a little more in the direction indicated.

Dakota's growth during the earlier years of its occupation and settlement by the whites was extremely moderate, but this was not due to neglect or apathy, or want of enterprise on the part of Dakotans, but rather to the force of uncontrollable circumstances that frequently thwarted the most earnest and liberal efforts, made apparently in accord with the most practical methods. Dakota might have successfully competed against ordinary rivals in the matter of getting settling population, but the great Union Pacific Railroad corporation with its

empire of lands granted by the Government and with millions of money, was an opponent too formidable for Dakota's available resources. That gigantic and enterprising corporation carefully searched this country over to secure people for its lands, and then crossed the seas and sifted Europe of its youth and enterprise and transplanted it to the fertile plains of Nebraska. Other less powerful corporations worked in the same direction. In addition to these efforts of the land grant railroads, the great states of Iowa and Minnesota were only meagerly settled, and the homeseeker from the eastern states, even when headed for Dakota, was obliged to resist the attractions and advantages that everywhere invited his attention while passing through these commonwealths, and was also beset by tempting opportunities presented by the people and by immigration agents who were working to obtain settlers for their vacant acres. In this way Dakota's immigration was retarded and the territory received but a handful of the hundreds and thousands whose interest in the advantages of the West had been first awakened through the efforts of Dakota's agents. And as a rule the newcomer to Dakota who had resisted the temptations and blandishments presented by the citizens of neighboring states, and finally reached the territory, would have an entertaining story to tell of the methods employed by Dakota's eastern neighbors to dissuade immigration to the territory. The information was given that Dakota was no place for a white man; nothing fit for the subsistence of civilized people could be grown on the arid plains of the territory. It was a land of perpetual drought in summer, and awful blizzards six months in the year. If a farmer was lucky enough to get the promise of a crop the grasshoppers were sure to devour it before harvest; even the potatoes were not safe from the ravages of the ravenous and gluttonous insect who would dig into the ground and consume the tubers. Indians always formed a part of these stories. They were constantly brandishing their tomahawks and scalping the people. Nearly all the dead people in the territory would be found minus their scalp lock. The early settlers of Sioux City were given sometimes to halt a party of immigrants headed for Dakota and in a half confidential tone and manner impart the information that the great American desert would be found just west of "Jim" River; and the immigrant was advised to keep his head shaved.

It will be observed that even at that early day Dakota was becoming somewhat celebrated for push and enterprise. It was setting the pace for western communities that have since outstripped her in the race for population, not, however, because of Dakota's failure to do her whole duty, but due largely to the earlier development of the western railway systems which, at times, has proved inimical to the interests of this section of the Northwest.

IMMIGRATION TO MONTANA GOLD FIELDS

The Missouri River Route

The year 1862 witnessed the beginning of emigration to the newly discovered gold fields of the Northwest, on the headwaters of the Missouri and Columbia rivers. The first steamboats to enter this trade by carrying passengers and miners' supplies by way of the Missouri River came up from St. Louis early in May. Among them were the Shreveport, Key West, Spread Eagle, Emilie and Florence. They were fairly crowded with gold seekers, bound for what was known as the Salmon River diggings which at that time were the center of the mining excitement. These placers were reported to be immensely rich, and old Californians were said to be going in there by hundreds. Discoveries had also been made on a spur of the Bitter Root Mountains about twenty miles from Salmon River, and were reported, in richness, equal to the best placers discovered in California. The reports received were authentic, coming in letters that were vouched for by excellent authority. It was claimed that four men with a rocker were taking out twenty-seven ounces of gold per day, and that the diggings generally were paying from \$15 to \$100 a day to the men. Laborers were difficult to secure and

would listen to no offer of less than an ounce of gold per day. Ordinarily this gold would have been worth from \$14 to \$17 an ounce; but owing to the increased price of nearly all commodities consequent upon the Civil war, the yellow metal, which was also a commodity, was selling for nearly double ordinary prices, and during the war became of still higher value. These Salmon River discoveries were among the first in the Northwest and were located on the Pacific side of the mountains, but it was quite apparent that the best route for the emigrant on this side of the Rockies was by way of the Missouri River. Dakota people, aware of this decided advantage, put forth their best efforts during this year and for several years following to direct attention to the route, and up to the time when the Union Pacific Railway reached Western Nebraska, the Missouri steamboat interests reaped a golden harvest from this business, and Dakota's trade was also benefited.

Just about this time, June 1, 1862, the Steamboat *Emilie* reached Yankton from St. Louis having on board a party of explorers and prospectors who represented a St. Louis company, backed with a paid up capital of \$100,000, organized to promote traffic by the Missouri route. This party intended to establish trading points in the upper country contiguous to the mines and gather information regarding the overland route after leaving the upper river at or near Fort Benton. Another large body of emigrants rendezvoused at Fort Abercrombie on the headwaters of the Red River about the same time and went overland under a military escort. From this time forward for three or four years, the excitement over these and other discoveries spread throughout the country, and but for the war it is probable that hundreds of thousands of emigrants would have gone in to the gold region during the three or four years following by the Missouri gateway. Notwithstanding the war, however, the public mind was greatly exercised regarding the new gold fields, and the freight and passenger traffic of the Missouri grew rapidly, employing from thirty to fifty steamboats in 1863, 1864, 1865 and 1866.

During the autumn season great fleets of mackinaws came down the river from Fort Benton bringing hundreds of returning miners carrying in their buckskin sacks small fortunes in golden nuggets. The steamer *Spread Eagle* was the first boat down in 1862, arriving early in July, having made the trip to Benton. Her passengers stated that flour was selling for \$1 a pound in the mines. The boat's safe contained a large amount of gold, belonging to one of her passengers. There were not to exceed a dozen of the latter on the boat, and all were going after merchandise for the mines and felt confident of being able to get the *Spread Eagle* to make another trip before the river fell. These passengers expected to bring enough goods to give the boat all she would be willing to carry. They reported new discoveries of almost fabulous richness on this side of the mountains, and said the Californians were pouring into the country at the rate of hundreds a day.

A great deal of interest had been aroused in the settlements of Dakota in favor of opening an overland route to the new Idaho gold mines. It was claimed that this route was 500 miles shorter than any other that could be selected, and furnished an abundance of wood, water and grass, at frequent intervals, for the use of emigrants. A public meeting was held at Yankton on the 20th of February, 1864, for the purpose of devising a plan for laying this important fact before the public for the purpose of inducing emigration this way, making Dakota towns the outfitting points; the route lying along the Missouri and Niobrara valleys, thence west up the Niobrara and Kcha Paha. Parties who had been in Idaho and were somewhat familiar with the route question were present and Capt. C. M. Davy, of Minnesota, made a strong appeal in favor of the Yankton route. This gentleman was somewhat familiar with the country to be traversed, having recently returned from Idaho by way of the proposed highway. The outcome of this meeting was the appointment of a committee to collect and publish such facts bearing upon the route as the committee should be able to gather. The committee consisted of D. T. Bramble, G. W. Kingsbury, Enos Stutsman, W. T.

Lyman, Maj. Charles E. Galpin, J. Shaw Gregory, A. W. Puett, W. W. Brookings, Mahlon Gore, Joel A. Potter, J. R. Hanson, Capt. Wm. Tripp, M. K. Armstrong, H. C. Ash, C. C. P. Meyers, Geo. P. Waldron and Byron M. Smith, the last named being made corresponding secretary, and requested to furnish a list of articles needed by the parties contemplating the journey to the mines.

Following out the purpose of the meeting, the committee secured a great deal of information, and issued a circular to the public defining the route from Sioux City via Yankton to a point opposite the old Village of Niobrara, which occupied a site on the Missouri River two miles south of the mouth of the Niobrara River. Crossing the Missouri, the route took up the Niobrara ninety miles, then crossed that river to the north and struck almost due west to a point where the Fort Laramie road intersects the Niobrara Valley, distant about two hundred and fifty miles and in the vicinity of the Black Hills; thence a very good route was laid down to the gold fields, with wood, water and grass quite abundant, and danger from unfriendly Indian tribes reduced to a minimum. A fine map of the route was also prepared to accompany the circular. The distance from Yankton to Bannock, Idaho, was placed at 960 miles. A table of distances covering the principal points on the route was published, to show how thoroughly and reliably the pioneers who were striving to open up this route had performed their duty. Through the efforts of Dakota's delegate in Congress, who at that time was Gov. William Jayne, an appropriation of \$10,000 was made by Congress for the protection of emigrants going by the Southern Dakota route.

The efforts put forth by the Dakotans awakened considerable interest throughout the country in the gold regions of the Northwest, and there could be no question at that time that the Missouri and Niobrara route was by far the shortest and best for all emigrants east of the Missouri. The only serious drawback was the danger from Indians. This was a constant menace to all overland travel west of the Missouri and emigrants were cautioned regarding it, and advised to go in large parties and employ experienced men and scouts to accompany their march. Yankton drew a large number of people during the late winter and spring of 1864, who were anxious to go through, and came prepared with wagons, tents and camping outfits. A hundred and possibly more of these emigrants' tents were scattered over the townsite, while the hotels were crowded.

It was during this period that the Black Hills began to be talked about as a gold bearing section, and there were old mountaineers in the territory, and a few Indians and half-breeds, who claimed that the hills were richer in gold than Idaho. Some of these parties displayed small nuggets which they stated came from the Black Hills gulches, and were found by the Indians on their fishing and hunting excursions.

The increasing travel from the eastern states to these gold mines of the Northwest had directed the attention of moneyed business men to the necessity of trading points, ferry privileges and general accommodations for the traveling public at important points along the overland and steamboat route. One such point, highly commended, was at the mouth of the Yellowstone River. Here Captain Davey had crossed the Missouri with his first expedition from Minnesota; and here the two great Mackinaw water routes converged leading to and from the gold fields, one down the Missouri and the other along the Yellowstone. Already the Legislature of Dakota had granted a ferry privilege at this point to a number of Dakotans, and in the month of July the following townsite notice was issued:

To all whom this may concern:—

We, the undersigned do hereby claim all the lands and grounds being in these described limits, to-wit:—Commencing at the confluence of the Missouri and Yellowstone Rivers, and extending from said points three miles in a westerly direction or course. The whole to include nine square miles. We claim the said lands and grounds including all meandering of said rivers, for the purpose of a townsite, and for building, erecting and surveying a town thereon to be called and known as Oraopolis. We also claim all ferry rights, titles and

privileges on the Yellowstone River and on the Missouri River for fifty miles up and down on all and both sides of said rivers for the aforesaid purposes. All of which a charter has been applied for.

John Howe, president, St. Louis, Mo.; James Stewart, vice president, Virginia City, Idaho Ter.; Samuel Hauser, secretary, Virginia City, Idaho; John J. Roe, St. Louis, Mo.; Jobe Townsend, Oraopolis, Dakota Ter., agent for the Oraopolis Town Company; John Fufts, Virginia City, Idaho; Thomas Townsend, St. Louis, Mo.; W. B. Dance, Virginia City, Idaho.

Given under my hand this 17th day of June, A. D. 1864, at Fort Union, Dakota Ter.

SAMUEL HAUSER, SECRETARY.

CHAPTER XXXII

THE GRASSHOPPER PLAGUE

1864

GRASSHOPPERS—INDIANS AND INSECTS FOE TO IMMIGRATION—A GRASSHOPPER RAID—GENERAL SULLY'S GRASSHOPPER EXPERIENCE—NATIONAL GOVERNMENT INVESTIGATES—OFF YEARS—HOW THE FARMER FOUGHT THEM—LIEUTENANT WARREN'S STATEMENT—EIGHT HUNDRED AND FORTY-NINE WINNEBAGOES SENT TO NEBRASKA—THE OLD SETTLERS' HISTORICAL ASSOCIATION, AND THE HISTORICAL SOCIETY OF DAKOTA.

There was considerable uneasiness during the summer of 1864 in the farming settlements regarding Indians; but what was fifty-fold more hurtful to the general welfare and prosperity of the territory, was the first grasshopper raid experienced by the white settlers. It occurred in July just after the New York colony had got fairly settled in comfortable quarters; and while it was the first it was the worst and most complete scourge of the kind that ever visited the territory. It was a most unfortunate disaster coming at the time it did. The insects came down at midday while the bright warm sun was shining; the few fields gave promise of a moderate harvest and the gardens were in fair condition, producing a variety of summer vegetables—but all were covered literally by the myriads of these ferocious insects who devoured and destroyed every green thing, even the leaves on the trees, the grass on the prairie, the family washing hanging in the open air, and injured many of the tents in which the new arrivals had their temporary homes. The insects remained all night and departed the next morning as abruptly as they came. Several of the newcomers and some of the members of the New York colony became so affected and discouraged at the frightful damage inflicted that they yoked up their cattle and left the territory intending to settle in Iowa. Great temporary injury was done to the settlements by this calamity—for such it was—and immigration received a decided check from which it did not recover for years, though this lasting injury was due to subsequent visitations, of less harmful proportions comparatively, but sufficient to frighten away the great body of homeseekers. Iowa newspapers and other eastern journals took particular pains to herald this wonderful phenomenon to the world, claiming in many statements that it was an annual occurrence here and an inseparable objection to Dakota as a farming country.

Those who abandoned the territory at this time, many of them, gave out, while passing through the settlements east, a most pitiful story of the perils they had encountered and the privations they had endured, and these stories were seized upon by the newspapers and under the caption "Another Survivor of Plague Stricken Dakota Reaches Gophertown" and then would follow a string of exaggerations concerning Indians, drouth, grasshoppers, frequently embellished with an awful blizzard story that the narrator had received from a "poor old Dakota cripple who had lost both legs and an arm" during one of these winter storms. Dakotans felt very indignant at all this and exceedingly despondent. They were not, however, prepared to make any defense or explanation, for the grasshopper invasion was as novel and as great a surprise to the early settler as

to the one who had just arrived. There had never been anything of the kind since the whites came into the country, and the Indians, when questioned about the matter, failed to throw any light thereon.

A history of Dakota Territory would lack completeness if no mention was made of the grasshopper, not that the territory has been on more familiar terms with that notorious insect than many sections in the many states of our Union, but their unwelcome visits here were at a period when Dakota was seeking public favor and people to occupy its vacant lands, and were of such a character, such a multitude of characters, continuing through so many years, as to entitle their visitations to mention among the historic events which have marked the progress of the territory by retarding it possibly more than all other causes combined. It was during the warm summer of 1864 that the early Dakotans first made the acquaintance of this scourge, at a time when the territory greatly needed more people and when the settlers here were putting forth extraordinary exertions to secure immigration. The early planting and growing season had been injuriously affected by a prolonged dry spell, and the cultivated fields reflected this injury in the stunted character and premature ripening of useful vegetation. The grasshoppers came in upon the settlers unheralded and unexpected and in a few brief hours literally devoured and destroyed every form of growing vegetation excepting the prairie grass and this was noticeably diminished. Their coming and the destruction that followed struck terror to the hearts of scores of our people and many of the newcomers of that year summarily threw up everything, gathered their households and household effects together and left the territory, breathing maledictions both loud and deep upon who ever had been responsible for influencing them to come here. These parties spread the story of the grasshopper raid far and wide, the newspapers took it up, and for a time it seemed that this calamity overshadowed in interest the great Civil war which was then raging between our Government and its rebellious citizens. This was the beginning of the grasshopper affliction which continued to impoverish and harass our settlers more or less for the succeeding ten years.

Dakotans became somewhat acquainted with the movements and habits of the insect as time passed, and during the season of spring the grasshopper would form a staple topic of conversation, and the question of its coming would be discussed with the gravest anxiety. At first there would be unpleasant suggestions of grasshoppers in the air, still it might have been only the downy seed bed of the cottonwood, which passing over at a high altitude were not infrequently mistaken for the flying grasshopper. To a person who has not beheld the novel spectacle of a grasshopper cloud moving through the upper air on a sunny day, this similarity between the cottonwood seeds and grasshoppers may need some explanation, and Dakotans can furnish this, for scores of our early settlers will tell of standing for a good fraction of an hour with their necks craned at an angle of nearly ninety degrees and their vision directed as near to the sun as the glare of that orb would permit, endeavoring to make out whether the mass of tiny specks a thousand feet above were living insects or merely the harmless cottonwood seed. It was no uncommon sight to see such people in little groups making this investigation for an hour at a time, and even then turn away with the problem unsolved.

It will be thought that if they were grasshoppers they would alight but this fortunately might not occur. Early Dakotans will testify that they have witnessed the passage of a stream of grasshoppers through the upper air that occupied an hour or two in the passing, and maintaining a steady flight eastward, turning neither to the right nor to the left, nor downward, and some days after these observers would learn through the papers of a destructive Dakota grasshopper visitation a hundred miles away, which would disclose where this great stream of insects settled to the earth and feasted after a long fast and wearisome journey. The grasshopper scourge that infested and kept Dakota and other portions of the West largely impoverished for ten or twelve years from 1864 was not

thing peculiar. It was a tremendous calamity, but it was no more a Dakota scourge than it was an Iowa scourge or a Minnesota, Illinois and Indiana scourge, and in fact this might be carried as far east as the Alleghenies, for the pest sorely chastened the farmers in the fertile valleys of Pennsylvania.

To such an extent did this infliction grow that the United States Government sent out an expert commission from Washington to investigate the insect and discover if possible its origin and its habits, and from the report of that commission we have considerable information and much more from actual contact. Though known popularly as the grasshopper it was a very different and far more formidable foe than any grasshoppers the western people had ever known in their eastern abodes. In appearance it resembled the old-fashioned eastern hopper very closely, but aside from this resemblance it differed materially. By many the insect came to be known as the seventeen year locust. It differed from the ordinary grasshopper in its structure which was fitted for flying for as long distances as the wild fowls cover during a flying spell. Its frame was large and hard and though very light was also very tough. They could hop or jump, but flying was their forte, and the flutter of their large amber wings faintly seen in the air near the bright sun gave them the appearance of a mass of cottonwood down, and unless an occasional hopper broke away from the great stream and settled, while one were gazing, which not infrequently occurred, there was no certain method of detecting them. Even in color the difference did not seem to have been detected, but there was a distinguishable difference, the grasshopper being a shade darker, with its wings outstretched. To witness, with your mind's eye, a myriad of these pests alight, presuming you have never looked upon such an invasion with your physical eye, it is best to imagine a quiet heavy snowfall in midsummer, the flakes as large as a 25-cent piece, completely filling the air, and covering the earth as rapidly and completely as a heavy snowfall will do in winter. Just imagine these flakes falling for an hour and then the earth a mass of life, crowding upon everything out of doors and indoors if permitted to enter, covering the bushes and trees and the grass, the fences and the walls of buildings so completely as to effectually conceal them from view and in as brief time as it is required to tell it, stripping the tree of its foliage and devouring the grass and gardens. If there is one plant more than another that they have a special fondness for it is growing corn, which they attack with much spirit and only leave it when they have cut away and devoured all but the naked stalks. Then woe to the careful and cleanly housewife who has left her household linen on the clotheslines or a fine garment out to air. The pest has a peculiar relish for dainties of this kind and we will go farther and quote briefly from one report made by Brig. Gen. Alfred Sully who led several expeditions through Dakota against the hostile Indians during the '60s. Sully was camped between the Missouri and the Yellowstone. In his report he says:

The only thing spoken about here is the grasshopper. They are awful. They actually have eaten holes in my wagon covers and in the tarpaulins that cover my stores. A soldier on his way here laid down to sleep on the prairie in the middle of the day—the troop had been marching all night. His comrades noticed him covered with grasshoppers and awakened him. His throat and wrist were bleeding from the bites of these insects. This is no fiction. Last year, about five days' march from the Yellowstone, we met the army of grasshoppers on their way east. After that I suffered greatly for grass and many of my animals died. The grasshoppers made a general cleaning down to this place and then disappeared.

There would be the sincerest gratitude in every heart when the invaders after their feast and a night's rest would receive flying orders. Some intelligence directed the time of departing and when the signal was given they would rise into the air and fly off eastward—always taking that direction. In a very brief time they would have disappeared and the people would venture forth from their domiciles almost as timidly as they would had Indians been besieging them, to view the havoc and ruin presented in garden and field, and to thank their Maker

that the plague had been stayed, and the pest had departed. The parent pest surely had departed, but had left a legacy in an unborn progeny, that would cover the land with gloom when the eggs deposited in the soil were hatched out in the coming spring, and so it came to pass that when the spring opened and the reviving sun warmed up the earth, myriads of tiny hoppers sprang from the ground, hungry as goats, with an insatiable hunger and devoured all vegetation that came in their way. The first attack was on the young wheat and oats as it came up and upon this fodder they thrived and fattened and grew, and the farmer looked on and wrung his hands and said little that we care to repeat. Suffice it that this scourge was fully as hurtful as the former would be, the second generation remaining and gormandizing for two months at least, or until their wings had grown. Wheat and oats and the grass would be greatly damaged and largely destroyed, but later crops would escape.

As soon as the insect had acquired its wings there would come an hour when the myriads would rise into the air and strike off in an easterly direction, following the path of their predecessors.

When on their flight or alighting they might be compared to a great river flowing rapidly, so close together that the sun does not penetrate through the mass, which casts a shadow on the earth similar to that when a cloud obscures it. It was by a mere chance that a small party of Sunday afternoon ramblers were strolling past the suburban premises of Col. G. C. Moody in the '60s. His place is that which a few years later became the home of the late W. B. Valentine and family on the northwestern border of Yankton. Mr. Moody had a 40-acre field of corn, well advanced and promising, the ears beginning to form. A grasshopper raid had invaded the field several minutes before this party reached it, and the living river was pouring into the field and literally covering the corn when the ramblers came upon the scene. The stream stretched away to the south and west as far as one could see in either direction, and the flutter of their wings with the passing of such a host through the air, created a roaring noise that was almost deafening for the time being. Not a ten-thousandth part of the stream had alighted in that field but passed beyond and covered other fields and the face of the country for many miles. They set immediately to work upon Moody's field, devouring the tender leaves and new-formed ears and never ceased their feast until the stalk was as bare as a tent pole.

Colonel Moody and his family stood by and witnessed the complete destruction of his season's labor, which occupied less time than one hour. At the same time the vandals were destroying the Moody field others were laying waste the fields as far away as Vermillion and probably through Union County. They spread all over the portion of Yankton County that had been occupied by farmers, which embraced only a comparatively narrow strip along the river two or three miles in width. Whether they attacked the wild prairie grass was not known but they were known to feast on it in regions farther west where there were no cultivated fields. To witness such a phenomenon is to have brought to mind the biblical account of the plagues visited upon Pharaoh, the Egyptian ruler, when he refused the Hebrews permission to leave his domains.

The scientific gentlemen who came out from Washington did not slight their investigation because of any personal privation they might be obliged to endure. They visited the Dakota settlements and from information obtained in the territory concluded that the breeding place of the pest was in the Rocky Mountains and thither they directed their journey and explorations, accompanied by a small defensive force of Government troops from Fort Sully. Their labors were amply rewarded by the discovery that the insect was apparently indigenous in the barren slopes and foothills of the Rockies, scattered along for hundreds of miles, where the soil or sand was warm. There were their hatching or breeding grounds. They appeared soon after the first real warm days of spring, fed on mountain verdure, hopping about the foothills for two months until their wings were grown, when, as with one accord and under some such leadership and guidance as directs

the flight of wild fowl, they would mount into the air to an elevation of thousands of feet and flow out toward the abodes of civilized people. Their flight was invariably directed eastward. Their invasion of the settled and cultivated sections of the country, extending even to Ohio and Pennsylvania, had become a matter of such serious import as to create widespread and well-grounded alarm, and for this reason measures were taken by the Government to destroy them in their breeding haunts, while yet they occupied the little white cell or egg, which in long clusters had been deposited by the parent in the earth. Undoubtedly a great deal was accomplished toward their extermination by the use of fire in destroying the infant insect and also in the destruction of these eggs by various methods, but despite these efforts the grasshopper raids continued to afflict the West with more or less calamitous effect until the year 1875 when they ceased as abruptly as they had begun and for thirty years past they have existed only as a memory that we would not care to lose now that it has been paid for. It is something worth while to have been an eyewitness to a grasshopper raid.

The grasshopper did not visit the settled portions of the Dakotas each year during the period from 1864 to 1874. They occasionally omitted an annual visit, due, as would be ascertained, to their failure to alight, but they passed over in their long flights and swept away the fields and gardens of our neighbors in Iowa, Minnesota and Nebraska. The newspapers and the people of those states and the states farther east grew accustomed to call them the "Dakota grasshoppers" because they came in on them from this direction and because also this name had been bestowed upon them by those tenderfoot emigrants who had been frightened away from this land now celebrated as one of the great garden spots of our nation, but which these thoughtless deserters derided as a land of grasshoppers, drouth, Indian massacres and "blizzards," all of which were but temporary evils that added spice as well as hardship and privation to the pioneer's experience. But these damaging stories had a baneful influence at the time and sadly retarded immigration. The reports were nearly always greatly exaggerated and strongly colored to make them interesting and wonderful; and yet it may be truthfully confessed that there was ground for the reports, for serious drouths did occur that prevented a remunerative harvest, the grasshoppers did devour and destroy more than would have been inflicted by the hostile invasion of an army. The Indians harassed the early settlers and kept their minds in a condition of almost constant anxiety and apprehension and the "blizzards" added their terrible fury to the wintry blasts just as they did and continue to do in all sections of our beloved country. Today Dakota is as free from all these unpleasant and damaging features as any portion of the United States and has enjoyed such immunity for the past thirty years.

Continuing the grasshopper topic it seems appropriate to remark that the disastrous results of a grasshopper visitation were not confined to the single season where they came in to feast on the farmer's growing corn and the housewife's snowy linen hung out to dry. It was the custom of the female insect, on such occasions, to deposit her score of eggs in the soil of our Dakota farms. In the early spring these eggs would hatch and the earth would be literally covered with the tiny wingless hoppers who would not stray far from their birthplace, but were so numerous and ravenous that they would devour the tender blades of wheat and oats, and garden stuff as rapidly as it appeared above the ground. Not a spear could be grown that season in fields so afflicted, the scourge remaining until their wings had grown before departing. Many devices were invented and used to prevent or minimize the destruction they entailed, the most effective being the construction of a ditch about twelve inches deep and two feet wide across the entire field. The farmer with his family and all the help he could muster would then start in at the opposite side and armed with bushes, proceed to drive the insects toward the ditch, where, once safely in they would be unable to hop out. It was a long, tedious and difficult task, but many farmers succeeded in saving half their crop at least by a resort to this device. Finally the

field would be practically cleared of the insects and the ditch would be partially filled with them. Coal oil was then poured into the ditch in liberal quantity and a lighted match applied; and for a week after the atmosphere in that neighborhood would be heavy with the odor of the holocaust.

Where the insect was permitted to mature, it would follow the example of its parent, mount into the air on its newly-grown wings and fly away toward the rising sun. Within the brief space of a few hours a section of country covering several townships, where the hatching had been done, and where the crops had been nibbled down, would be entirely free of the pest, and generally in season to mature a crop of corn. Following their departure, after a reasonable time elapsed, reports would float back to us of a Dakota grasshopper raid in some portion of the country east that caused great destruction to growing crops, and in this instance the grasshoppers were in all probability native here and to the manor born, and they would probably repeat the egg depositing process in the section where they alighted. It was observed that the rank and ferocious nature of this insect became modified as they migrated eastward. The Dakota hopper was not as voracious and destructive as its parent, the Rocky Mountain locust, nor as hard and long and brown as that insect, but had a greenish hue and resembled more the ordinary grasshopper that infests all sections of the eastern states and has for a century. It was said that the soil and climate were the agents that produced this improvement, which must have been greatly aided by the incubation of a third generation in the high-toned dirt of Iowa, while another stride would be taken in Illinois the following season in bringing forth a still more attractive and innocuous insect.

Lieut. G. K. Warren, of the United States topographical engineers, under date of January 21, 1858, reported his explorations in Nebraska and the Black Hills of Dakota. He mentions as a serious drawback to the occupation of Western Nebraska by farmers, the grasshoppers that occasionally destroy the useful vegetation. He says:

Often they fill the air for many miles of extent so that an experienced eye can scarce distinguish their appearance from that of a shower of rain or the smoke of a prairie fire. The height of their flight may be somewhat appreciated as one party named James saw them above his head as far as their size would render them visible while standing on top of a peak of the Rocky Mountains 8,500 feet above the level of the plains, and at an elevation of 14,500 feet above that of the sea, in the region where the snow lies all the year. To a person standing in one of these swarms as they pass over and around him, the air becomes sensibly darkened and the sound produced by their wings resembles that of the passage of a train of cars on a railroad when standing 200 or 300 yards from the track. The Mormon settlements have suffered more from the ravages of these insects than probably all other causes combined. They destroyed nearly all the vegetables cultivated last year at Fort Randall and extended their ravages east as far as Iowa.

WINNEBAGO INDIANS REMOVE

The Winnebago Indians, who had been removed from Minnesota and placed upon a reservation at Crow Creek with the Santees, had found life with the wild Sioux unbearable, and had been gradually deserting the reservation for that of the Omahas, with whom they claimed kinship. This Omaha reservation is above Omaha, in Nebraska. Many of these deserters were halted by the troops, who were scouting through the country, and marched to Fort Randall, where they were confined a few days as a punishment for violating the military order prohibiting Indians from leaving the reservation. They invariably set up a tearful complaint of the hardships they endured in the Sioux country, but as the military authorities had no discretion to change their location, they were advised to apply to the "Great Father" for relief; and would then be sent back to their reservation. Hundreds of these, however, succeeded in eluding the troops and reaching the Omahas. The Winnebago complaint was known to be based on facts, and no change for the better could be expected while they were where they could be annoyed by the Sioux, who envied them because they

received annuities, and despised them because they would not fight the whites. A reservation was finally procured for them near their kinsmen in Nebraska, and in 1865 they were again transplanted, but they have materially deteriorated on Nebraska soil, and have become almost a reproach to the race, while the Santees, who shared the first reservation with them, have emerged into a civilized and industrious people.

HISTORICAL ASSOCIATION AND LECTURES

The first meeting held under the charter of the "Old Settlers' Historical Association" was on the evening of the 1st day of January, 1863, at the council chamber in the capitol building. Hon. D. T. Bramble was elected president; James Tufts and James McFetridge, vice presidents, and James M. Allen and John H. Shober, secretaries. Addresses were made by Hon. M. H. Somers, of Cole County, and Hon. H. A. Kennerly, of Charles Mix, both members of the Legislature then in session, and also by Mr. Henry C. Ash, the pioneer landlord of Yankton, who set forth the purposes of the association and the value its work would contribute to the future inhabitants of Dakota. Mr. Shober and Judge Tufts also spoke briefly. No business other than the election of the officers was transacted, and after the speeches were concluded the old settlers adjourned until the 8th inst., and there is no record that the association ever held another meeting.

A serious defect in the incorporation act of this association was its failure to provide an association fund, and, second, limiting its membership to citizens who came to the territory prior to the passage of the organic act. This became apparent when in June, 1863, eleven boxes of books containing over five hundred volumes, sent from the Interior Department, reached Yankton, addressed to the "President of the Old Settlers' Historical Association," on which the freight was \$124.50.

The society had no money, and the Gregory Bros. received the books and paid the amount, holding the books in their possession.

A preliminary organization of a new association was effected at a meeting held at Gregory Bros.' store on the 25th day of May, 1863, when Enos Stutsman was made chairman, and James Tufts secretary. This movement was favored by the charter members of the "Old Settlers' Historical Association" who were present. Accordingly, the following articles were drawn up and signed, to-wit:

Formation of Dakota Historical and Library Association. We the undersigned citizens of the Territory of Dakota do hereby constitute ourselves an association under the name and title of the "Dakota Historical and Library Association." The officers of this association shall consist of a president, two vice presidents, one secretary, one treasurer and one librarian. Every person becoming a member of this association shall pay to the treasurer of the same an initiation fee of five dollars. Whenever thirty persons shall have signed their names to this article and have paid the amount herein designated to J. Shaw Gregory, the said J. Shaw Gregory shall call a meeting of said association in the Town of Yankton, giving at least ten days' public notice of the time and place of the said meeting by having the same published in the Dakotan. Each of the signers hereto paid \$5.00, to-wit:—P. Bliss, W. E. Gleason, J. Shaw Gregory, H. C. Ash, D. T. Bramble, M. K. Armstrong, E. Stutsman, J. Hutchinson, B. M. Smith, Samuel Grant, Henry E. Gregory, James Tufts, George W. Kingsbury, Melancthon Hoyt, J. K. Fowler, J. R. Hanson, C. F. Picotte, J. B. S. Todd, George N. Propper, G. W. Pinney, N. Edmunds.

These payments totaled \$105.00, and shortly after W. P. Lyman, N. G. P. Booge, C. C. P. Meyer, C. E. Rowley, John Lawrence, George P. Waldron, making in all \$135.00. It was also resolved at this meeting to apply for an act of incorporation to the next Legislature, and the following named gentlemen were appointed a committee to report rules and by-laws, to be acted upon at the next meeting, to-wit: Enos Stutsman, Jesse Wherry, D. T. Bramble, Rev. M. Hoyt, J. Shaw Gregory, M. K. Armstrong, James Tufts, G. W. Kingsbury. The meeting then adjourned subject to the call of the president.

On November 10, 1863, a meeting was called at which the Committee on By-Laws and Rules reported. This meeting was held in Gregory Bros.' store on Broadway. Those present were Rev. Melancthon Hoyt, J. Shaw Gregory, Henry E. Gregory, Capt. William Tripp, Gov. Newton Edmunds, Byron M. Smith and George W. Kingsbury. It was resolved to effect a temporary organization at this meeting, and through the officers apply to the Legislature for a legal organization. Reverend Doctor Hoyt was chosen president; Byron M. Smith, secretary; Henry E. Gregory, treasurer, and Enos Stutsman, librarian. These officers were constituted an executive committee and authorized to provide a course of lectures for the ensuing winter, whereupon the meeting adjourned.

At the ensuing session of the Legislature, the following act incorporating the historical society was passed:

AN ACT INCORPORATING THE HISTORICAL SOCIETY OF DAKOTA

Be it Enacted by the Legislative Assembly of the Territory of Dakota:

Section 1. That Newton Edmunds, Philemon Bliss, Melancthon Hoyt, William E. Gleason, Henry C. Ash, D. T. Bramble, M. K. Armstrong, Henry E. Gregory, James Tufts, J. K. Fowler, J. R. Hanson, J. W. Evans, W. N. Collamer, Charles F. Picotte, John Hutchinson, William Jayne, A. W. Hubbard, J. B. S. Todd, B. M. Smith, George N. Propper, Samuel Grant, James M. Allen, John M. Allen, John W. Boyle, G. M. Pinney, C. P. Bozge, William Tripp, George P. Waldron, B. C. Fowler, M. M. Mattheison, Walter A. Burleigh, A. J. Faulk, Hugh Compton, Franklin Taylor, Lassa Bothun, George W. Kingsbury, James M. Stone, Enos Stutsman, J. Shaw Gregory, John J. Thompson, John Mathers, John O. Taylor, Milton M. Rich, Daniel P. Bradford, Ezra M. Bond, Ole Bottolfson, Wilmot W. Brookings, Henry Brooks, Halvor Burgess, A. C. Curtis, Albert Gore, B. A. Hill, J. B. Hubbell, Peter Kegan, John Lawrence, Kund Larson, L. H. Litchfield, Asa Mattison, G. W. Pratt, Washington Reed, P. H. Risling, Duncan Ross, William Shriner, E. W. Wall, Jesse Wherry, A. W. Puett, Mahlon Gore, Charles F. Rossteuscher, A. K. Curtis, Almore Gore, David Fisher, and their associates and successors be and are hereby constituted a body politic and corporate, to all intents and purposes, by the name of the "Historical Society of Dakota," and by that name may sue and be sued, plead and be impleaded, answer and be answered unto; may purchase and receive and own books, pamphlets, statuary and other materials and collections illustrative of the territory and of the history of Dakota, amounting in value to a sum without a limit; and may purchase and receive, hold and convey real property to any amount not exceeding \$20,000; and may lease, grant, mortgage, sell and convey, or otherwise dispose of the same for the use and benefit of the society; and to receive donations and to apply the same as the donor or donors may direct, and to devise and keep a common seal with the right to alter the same at pleasure; and to make, adopt and enforce such constitution, by-laws, rules and regulations as the society may choose, and to transfer and turn over to the Historical Society of Dakota all books, documents, pamphlets, etc., owned or claimed by the said "Old Settlers' Historical Association."

The remaining ten sections stated the objects of the society; an annual meeting was provided for; transferring to this association the records and property of the "Old Settlers' Historical Association"; exemption from taxation.

The association gave weekly entertainments during the winter of 1863 in the form of lectures. Hon. M. K. Armstrong opened the course with an address on the "Early Settlement of Dakota." He was followed by United States Marshal George M. Pinney, who spoke on the theory of our state polity; next was Judge Philemon Bliss, who discoursed on the philosophy of the Declaration of Independence. The concluding lecture for the winter was given by Reverend Mr. Tingley, subject, "The Different Races of Men." These entertainments were moderately patronized, there being an admission fee for gentlemen of 25 cents, ladies free. The money was to pay the expense of caring for the territorial library. The Legislature of 1863 passed an act entitled "An Act to Incorporate the Historical Society of Dakota." This act served to unite the Old Settlers' Historical Association and the recent Historical and Library Association.

On New Year's Day, 1864, the incorporators met at the capitol building and effected a permanent organization by the election of the following officers: Newton Edmunds, president; J. O. Taylor, A. J. Faulk, vice presidents; M. K.

Armstrong, secretary; George W. Kingsbury, treasurer; George N. Propper, librarian. A constitution for the society presented by Hon. Enos Stutsman was adopted. It provided, first, that the title of the association should be the "Historical Society of Dakota." The second, third, fourth and fifth articles related to membership. Any person could become a member by making application to the executive board and paying the initiation fee of \$5.00. The annual dues were \$1.00. Honorary members were provided for. Article 6 defined the objects of the association, the principal one being to collect, embody and preserve in an authentic form materials for the future history of the territory. Articles 7 to 11, inclusive, provided for the election of a president, two vice presidents, secretary, treasurer and librarian, and defined their duties. Articles 12 to 14 constituted the officers an executive board to manage all its affairs, four members to constitute a quorum. They had power to pass on all applications for membership, subject to the approval of the association. Articles 15 to 17 fixed the time of the annual meeting for the election of officers on the first Tuesday of December in each year. No member was eligible to office or to vote who had not paid his dues. The adoption of this constitution closed the business of the annual meeting and it adjourned to December, 1864.

During the winter of 1863-64 the series of lectures was continued for the entertainment of the legislators, when the society, having succeeded in securing a solid footing financially and the popular support, postponed its lectures to December, 1864, when we shall have occasion to make further reference to it.

The society held its annual meeting at the capitol building in Yankton on the 19th day of December, 1865, on which occasion the secretary, Hon. M. K. Armstrong, submitted a report embodying a sketch of the various steps that had been taken since the organization of the territory to found an historical society, and including a list of the lectures and their subjects given before the various societies. This report is here given:

ANNUAL REPORT OF THE HISTORICAL SOCIETY OF DAKOTA

(Incorporated December 24, 1863.)

March 4, 1865.

OFFICERS AND EXECUTIVE BOARD

J. Shaw Gregory, president; Enos Stutsman, Melancthon Hoyt, vice presidents; M. K. Armstrong, secretary; G. W. Kingsbury, treasurer; J. R. Hanson, librarian.

ACTIVE MEMBERS.

P. Bliss, chief justice, Dakota; W. E. Gleason, attorney general, Dakota; J. B. S. Todd, delegate, Dakota; J. Hutchinson, secretary, Dakota; George M. Pinney, United States marshal, Dakota; W. W. Brookings, speaker of the house, Yankton; Charles P. Booge, adjutant general, Yankton; James Tufts, speaker of house, Montana Territory; George N. Propper, secretary of council, Yankton; B. M. Smith, chief clerk provost marshal's office, Dakota; D. T. Bramble, pioneer merchant, Yankton; H. C. Ash, pioneer landlord, Yankton; C. F. Picotte, born in Dakota, 1830, Yankton; C. C. P. Meyer, United States deputy surveyor, Yankton; James E. Booge, merchant, Sioux City; W. P. Lyman, first white settler in Yankton County; Newton Edmunds, governor, Dakota; George P. Waldron, provost marshal, Dakota; J. Shaw Gregory, councilman, Todd County; E. Stutsman, president of council, Yankton County; G. W. Kingsbury, public printer, Yankton; J. R. Hanson, representative, Yankton; John Lawrence, representative, Yankton; M. M. Matthiesen, representative, Yankton; M. Hoyt, clergyman, Yankton; M. K. Armstrong, clerk United States Court, Yankton; H. E. Gregory, merchant, Yankton; J. K. Fowler, first lieutenant Company A, Dakota Cavalry; Samuel Grant, territorial auditor, Yankton; J. S. Foster, territorial superintendent of schools, Yankton; J. W. Evans, deputy provost marshal, Yankton; C. E. Rowley, treasurer Black Hills Company, Bon Homme.

No further meetings were held during the year until the annual meeting on the 7th of December, 1864, when the series of lectures was again resumed under the direction of the new executive board. The retiring officers of the preceeding year received a vote of thanks from the association for the zeal and devotion they had manifested in its early organization and prosperity.

The following is a list of all the regular meetings and lectures held under the three associations, now consolidated into and forming the Historical Society of Dakota:

- M. K. Armstrong lectured December 12, 1863. Subject—Early History of Dakota.
 George M. Pinney lectured December 20, 1863. Subject—Theory of State Government.
 Philemon Bliss lectured January 6, 1864. Subject—Declaration of Independence.
 Rev. M. Tingley lectured January 9, 1864. Subject—Different Races of Men.
 Rev. M. Hoyt lectured December 15, 1864. Subject—Ancient Mythology.
 George M. Pinney lectured December 22, 1864. Subject—Mind Directed Hand.
 James S. Foster lectured December 29, 1864. Subject—Education.
 Byron M. Smith lectured January 5, 1865. Subject—Early Settlement of Big Sioux Valley.
 Rev. L. P. Judson lectured January 12, 1865. Subject—Future of America.
 Rev. Albert Gore lectured January 19, 1865. Subject—Analogy Between the Government of the Ancient Hebrew and That of Our Own.
 Hon. W. W. Brookings lectured January 26, 1865. Subject—Perpetuity of Intelligent Influence.
 Rev. B. H. Golliday lectured February 2, 1865. Subject—Life; Its Ultimate Success.
 M. K. Armstrong lectured February 9, 1865. Subject—Early Settlement of Yankton County.
 Hon. J. R. Hanson lectured February 23, 1865. Subject—Progress of Human Freedom.
 Lieut. T. E. Clark lectured March 9, 1865. Subject—Recapitulation of Former Lectures.
 The following donations of books had been made to the society during the year ending December 30, 1864:
 By Smithsonian Institution, Reports for the Years 1853, 1854, 1855, 1857, 1859, 1861, 1862.
 By United States Coast Survey Office, a full set of maps of the military districts of the United States.
 By Iowa State Historical Society, Annals for 1863, and its Incorporate Act and By-laws of 1857.
 By Minnesota State Historical Society, Annals of 1857.
 By J. B. S. Todd, Mullen's Report; Journal of Harney's Expedition; a bound copy of the congressional proceedings in the case of Todd vs. Jayne, labeled with gilt letters, "Historical Society of Dakota."

Number of active members.....	31
Number of volumes in library.....	527
Number lectures delivered.....	15
Number of contributions.....	7
Number of communications.....	19
Cash receipt of society.....	\$184.25
Disbursements	157.25
Balance in treasury.....	27.00

Respectfully submitted, March 5, 1864.

M. K. ARMSTRONG, Secretary.

To the Executive Board, Library Rooms, Yankton, D. T.

At this meeting George Stickney and E. Collins, of Union County, and F. J. Dewitt, of Fort Sully, joined the society, each paying the initiation fee of \$5.00. A number of members paid their annual dues of \$1.00. The receipts at this meeting were \$24.00, which, added to the balance in the treasury, \$27.00, gave the society a total or balance of \$51.00.

Officers were then elected as follows: President, Rev. Melancthon Hoyt; vice presidents, J. B. S. Todd, George Stickney; treasurer, George W. Kingsbury; secretary, M. K. Armstrong; librarian, B. M. Smith.

By request, Mr. Armstrong then delivered a lecture on the "Early History of Dakota Revised and Continued." The lecturer was requested to prepare an outline of his lecture for publication in pamphlet form.

A committee consisting of Messrs. Smith, Stickney and Armstrong was appointed to revise the constitution and by-laws and report at the next annual meeting.

On the 27th of December, 1865, the society met at the capitol building, with Rev. M. Hoyt in the chair. Hon. Jefferson P. Kidder, associate justice, was introduced and addressed the audience on "History and Antiquity: Their Lessons to Mankind," for which he received a vote of thanks.

On the 2d of January, 1866, the society again met, with Chief Justice A. Bartlett presiding, when Rev. M. Hoyt delivered a lecture on the "Historical

Results of Revolutions," for which he received a vote of thanks. Judge Kidder joined the society at this meeting.

The next meeting was held on the 12th of January, 1866, when, the chair being occupied by Reverend Doctor Hoyt, the Hon. John B. S. Todd was introduced and delivered a lecture on "The Westward Advance of Empire, and the System of Railways in the Northwestern States and Territories." A vote of thanks was given the lecturer, who was requested to deposit a copy of his address with the secretary.

The following named persons were then elected members of the society: Hon. John W. Turner, Clay County; Maj. Patrick H. Congar, Yankton Indian agent; C. H. Kingsley, Northwestern stage agent; Hon. Hugh Fraley, and Benton Fraley, his son, of Bon Homme County; Capt. Mortimer Neeley, First Minnesota Cavalry, and Lieut. Henry O. Fox, Fourth United States Volunteer Infantry. Receipts of the evening, \$37.00, making a total in the treasury of \$93.00.

This meeting concluded the winter course of lectures, which were designed principally for the entertainment of the members of the Legislature and their families, and that body having adjourned, the society voted to meet again and pursue its course of lectures at the call of the president.

CHAPTER XXXIII

GENERAL SULLY'S SECOND CAMPAIGN

1864

GENERAL SULLY'S SECOND CAMPAIGN—WEST OF THE MISSOURI RIVER—HIS ARMY—DEATH OF FIELDING—THE KILLING OF HIS SLAYERS—FORT RICE BUILT—MARCH THROUGH THE BAD LANDS—A THREE DAYS' BATTLE—DAKOTA CAVALRY IN PERILOUS POSITION—RETURN OF THE EXPEDITION—GOVERNOR EDMUNDS ORDERS THE ORGANIZATION OF THE MILITIA—TROOPS STATIONED FOR THE WINTER—ALL DAY BATTLE AT FORT RICE—MASSACRE NEAR FORT PHIL KEARNEY—SULLY'S OFFICIAL REPORTS.

Brigadier-General Sully began his preparations early in 1864 for the campaign against the hostile Sioux, who were now west of the Missouri and north of the Cannon Ball River. He chartered a number of steamboats in March at St. Louis in order to obtain the advantage of the first high stage of water which usually follows the spring break-up and started his supply fleet northward in April. Each boat carried two six-pound guns and a small body of infantry to guard supplies. Although Minnesota furnished a large contingent of troops, this expedition was under the command of General Sully and had no connection with the movements of a second body of troops, as was the case in 1863. In fact, the Indian war in Minnesota was ended, and there were only straggling bands of hostiles in Dakota east of the Missouri. Little Crow had gone to the Happy Hunting Grounds in a very commonplace manner, and not while leading his warriors in battle. In a spirit of bravado he had returned to Minnesota in the spring of 1863 and was shot and killed near the Village of Hutchinson by some party who had suffered the loss of kindred during the first outbreak and massacre of 1862, and the great chieftain's skull is preserved among similar relics by the Historical Society of Minnesota.

The expedition got away from Sioux City early in May. It was rather late in starting, having been delayed by the nonarrival of the boats containing the supplies of food and ammunition for the troops. Companies A and B, Dakota Cavalry, were selected by General Sully, the commander, as his bodyguard, which mark of distinction was regarded as a high honor, especially in view of the regiments from Iowa, Nebraska and Minnesota that were in his command and furnished well seasoned troops. Downer T. Bramble went with Sully's expedition as sutler to the Dakota troops and took with him as clerk Mr. Ed L. Johnson, a young man recently from New York, an ex-soldier. Company B had been stationed at Yankton for a year prior to this selection, that is, the town had been headquarters, the company doing patrol duty through the southern part of the territory, from Choteau Creek on the west to Turkey Ridge Creek on the east, and had also made two expeditions in pursuit of the perpetrators of the Trask and Weiseman murders. Company A had been stationed at Fort Randall and was employed in scouting during the summer of 1863 and went out with Colonel Pattee's reconnoitering expedition in the fall of 1863 and was with the rescue party that aided in conducting the Minnesota women captives from Pierre to Fort Randall and contributed about two hundred and fifty dollars to the released pris-

oners, which enabled them to purchase clothing to cover their nakedness and placed them in a position of comparative independence for the time being.

General Sully rendezvoused his troops at old Fort Sully, near Farm Island and about three or four miles below the present City of Pierre. His force consisted of Companies A and B, Dakota Cavalry, which were selected as his bodyguard; Colonel Pope's Battery; the Sixth Iowa Cavalry, Colonel Pollock; Brackett's Battalion, Minnesota Cavalry, Major Brackett; three companies of the Seventh Iowa Cavalry, Col. John Pattee; and one company of Nebraska cavalry.

The expedition left Fort Sully about the 26th of June, 1864, and three days later had reached the mouth of the Little Cheyenne River, where Captain Fielding, topographical engineer, was killed by a small band of Indians. Fielding had strayed ahead of the command about a mile and a half in pursuit of his professional duties, accompanied by two soldiers; the party had dismounted and picketed their horses, when a shot was fired from ambush, giving Fielding a mortal wound. The soldiers were some distance away. Three Indians then rushed forward to secure the horses, but the animals, becoming frightened, broke loose and got away. One of the soldiers was shot and the other escaped to the command and gave the alarm. Captain Miner, Company A, Dakota Cavalry, was ordered to pursue and punish the savages. The pursuit was instantly undertaken and after a sharp ride of fifteen miles the miscreants were located in a ravine. Captain Miner and Sergt. A. M. English were in the advance and as they rode up the Indians gave them a broadside at close range, but failed to hit their mark. A number of the boys dismounted and advanced. The Indians, realizing their certain death or capture, fired again without effect, and the next moment were riddled with bullets from a dozen guns. Another party of soldiers who had come out with some refreshments for Company A severed the heads of the dead Indians from their bodies and took them to camp, where they were given to the general, who caused them to be fastened to long poles and these were set in the ground as a warning to the marauding red men. Beheading an enemy in this manner will be considered barbarous and cruel and not creditable to a civilized and enlightened people; but we must consider the circumstances and the surroundings which on occasions like this awaken the dormant savage nature which civilization has never yet been able to expel from the human breast. The command resumed its march and arrived at Swan Lake on the 30th, where it was joined by the Minnesota forces commanded by Colonel Thomas. These consisted of the Eighth Mounted Infantry under Col. Henry Rogers; six companies, A, B, C, D, E and H, of the Second Cavalry, Col. Robt. McLaren; and the Third Minnesota Battery under Colonel Rogers. On the 3d of July the command resumed its march and reached a point a few miles above the mouth of the Cannon Ball River on the east bank. The entire journey thus far had been made on the east bank. Here the command crossed and General Sully proceeded to the erection of what has since been known as Fort Rice. The steamboats came up and discharged their cargoes here and a storehouse was immediately constructed of logs to shelter them. Four companies of the Thirtieth Wisconsin Infantry that had arrived with the boats and two companies of cavalry were detailed to construct the fort, and on the 18th of July the expedition cut loose from the river and headed for its toilsome journey to the head of the Yellowstone. Ten days later the Indians were encountered in strong force near Deerkill Mountain, in what is now Starke County, North Dakota, and here the first battle was fought, lasting all day. It was in a country admirably calculated for Indian tactics and the savages felt so confident of victory that they had neglected removing their squaws and papooses from their camp. The Indians fought desperately at times, but notwithstanding their superior numbers, estimated at about five thousand warriors, they were slowly driven back, their camp captured, the women and children fleeing to the friendly refuge of the neighboring cliffs and mountains. By nightfall the enemy had disappeared, losing in the neighborhood of two hundred men. Sully's forces lost fourteen killed and thirty wounded. This battle is called the battle of Killdeer Mountain or Deerkill

Mountain. Companies A and B, Dakota Cavalry, were detailed to destroy the supplies left in the Indian camp, which was accomplished by piling the lodge poles and other camp material, together with a vast amount of buffalo meat and thousands of robes, in one huge pile and giving it over to the flames. Sully encamped near the battlefield and remained two or three days, being constantly annoyed by the savages, who watched every opportunity to kill a sentinel or steal a horse. Early in August the expedition was again on the march, retracing its steps to the corral, and made a journey the first day of twenty-five miles, camping on Heart River. On the 5th of August the command reached the edge of the Bad Lands, at a point southwest of Killdeer Mountain, and the following day entered that desolate waste, camping at night on the Little Missouri River. Here the Indians in strong force began to seriously threaten the army, and while the command pressed forward the following day the troops were continually engaged with the Indians, who from their advantageous hiding places with which the Bad Lands abound, assailed the troops in the advance and in the rear, and threatened the capture of the supply train. It was a busy day for the soldiers, who were constantly employed in beating back the skulking, tireless foe. The fighting continued until darkness put an end to it, the soldiers resting on their arms until daylight the following morning, when they were assailed more fiercely and with greater numbers than the day before. An inexperienced commander must have lost his head in this conflict. The Indians seemed to have every advantage, for while our troops were constantly exposed, the Indians in small bands would make a sudden sortie and as suddenly disappear behind the frowning crags with which the Bad Lands are so generously supplied. This battle continued well into the forenoon of the 9th of August and the journey through the Bad Lands, described by Sully as "looking like hell with the fires put out," was almost completed when the savage foe, baffled and beaten at every point, withdrew. They seemed to fade away or sink into the earth in the space of an hour, and as the expedition emerged from the Bad Lands at noon no trace of an enemy was to be discovered; the last and final battle with the Sioux nation, it was believed, had been fought in that two days' struggle in the Bad Lands.

The annals of Indian warfare fail to disclose a militant situation so fraught with actual peril through so many days as this march through and battle of the Bad Lands. It would seem that the advantage was all on the side of the Indians. The thousand rocky cliffs on every side afforded them ample shelter from the guns of the soldiers and because they were well armed it would seem that they could have killed half of Sully's command by picking them off one by one, for he had less than fifteen hundred to oppose 3,000 Indians. He also had, because of the nature of the country, to stretch his column out to great length, and to guard his supply train. His ability as a commander was strikingly evident during this three days' journey through the defiles of "Mauvaise Terre," with a supply train to guard and thousands of hostile Indians surrounding and eagerly thirsting for blood. It was in these engagements, on the second day, that a portion of Company A, Dakota Cavalry, had its narrowest escape from destruction during its entire term of service. Sergt. A. M. English thus relates the incident:

We were now fighting on foot against a party of Indians who were attempting to get between us and our train. Captain Miner ordered the writer, who was in command of the first platoon, to take possession of a hill which would command their position. We secured the hill at once, but the Indians continued to multiply and we soon found ourselves cut off from the main command and surrounded by not less than five hundred Sioux warriors, making the air hideous with their wild war whoop. They kept closing in, and were so close that we were able to see the color of the paint on their faces. Our fire was quite effective on their ranks, and we thought that we had perhaps answered our last roll call, but we heard the clattering of troops in our rear, and looking around I saw our brave captain at the head of the Coyotes coming down on the savages at a swift gallop. He struck them with the force of a cyclone. He hurled his troops against the red devil in the center and scattered them to the four winds. A hearty thank God went up from the men of the men who had composed my little command. When cavalry dismount to fight every fourth man is detailed to hold four horses. In the heat of the fight I remember

ground, not giving my horse a thought. After the Indians were driven back I looked around for him; I choked up until I could hardly speak for fear I had lost him; but no; he was close at my heels; his nose almost on my shoulder. After that I was not afraid that he would leave me. That was the hottest scrap the company got into during its term of service. The battle continued until dark, only to be renewed in the morning. We were now nearly out of the Bad Lands and the Indians charged our lines at all points, but they were beaten and driven back. Discouraged, disheartened and thoroughly defeated, their supplies captured, they finally gave up the contest and allowed us to pursue the remainder of our way unmolested. Thus ended the battle of the Bad Lands, a three days' conflict against the allied forces of the whole hostile Sioux nation.

The command after emerging from the Bad Lands marched to the Yellowstone River, August 12th, subsisting in the meantime on a cracker a day. At the Yellowstone they were overjoyed to find the steamboats laden with their supplies. Here their difficulties of a serious nature ended. They swam the Yellowstone, crossed the plains to the Missouri, and by leisurely marches journeyed down that stream to various points on the river, where they were stationed for the winter. They met with no hostile Indian parties on the return, indicating the complete discomfiture of the hostile Indian element.

There is no way of estimating how many Indians were killed or wounded in these engagements, but it is certain that they acknowledged complete defeat. In after years the chiefs who were in these battles stated that they had been completely surprised at the determination and endurance of the white soldiers. The young Indian warriors who composed nine-tenths of the enemy had never been in a battle with the pale-faces and expected an easy victory. It was not the loss of men that disheartened and demoralized the Indians, for their losses were comparatively small for the number engaged, but it was the invincible stubbornness and intrepidity of the soldiers. The Indians concluded that they were no match for those qualities and surrendered to the peace commissioners who went out to meet them the following season. Sully was not further annoyed. He reached the Yellowstone River August 12th, found two boats there laden with army supplies and for the first time in several weeks the troops were supplied with full rations. The last three days they had been reduced to one hardtack a day.

The second day's battle was called the Battle of the Bad Lands.

Sully's losses in these battles were twenty-three killed and fifty-six wounded. There were also seven men killed during the outgoing and incoming journey. One sergeant was killed by his men, who mistook him for an Indian.

The site for a new fort was selected after the return of the expedition fifteen miles above Pierre, to be named Fort Sully. Old Fort Sully below Pierre was then abandoned.

While the campaign had put an end to the general Indian war in the Northwest, this did not render the settlements of Dakota safe from small predatory and irreconcilable savages who were averse to peace on general principles. These continued to alarm the settlers and constituted an almost impregnable barrier to rural improvements and immigration.

The disastrous effect upon the Indians of this campaign may be clearly inferred from the concluding paragraph in the annual report of Major-General Pope, in command of this department, who made this unqualified statement:

I may say finally that the Government may dismiss safely all apprehensions of Indian war in the Northwest. Small raids there will doubtless be, as there always have been, for stealing horses, but no hostilities by any considerable number are likely again to occur.

This prediction of the head of the department proved reasonably accurate, and for nearly ten years, or until the opening of the Black Hills, there was comparative peace on the frontier. Then came the Sitting Bull wars on the Northern Pacific and the Custer Massacre.

Fort Wadsworth was built by Colonel Rodgers, of Minnesota, on his return trip from Sully's Bad Land campaign of 1864, by a detachment of Wisconsin troops. The Minnesota troops separated from the main command at Fort Rice,

on the return, and taking a route somewhat to the north of the course pursued on their outward journey, they crossed the James River at the head of Goose Lake; where it was designed to construct a fort, but the plan was changed and a site selected about half way between the James River and the lower end of Lake Traverse, where a post was built and named Fort Wadsworth, which afterward was called Fort Sisseton.

GENERAL SULLY'S REPORT

Here follows the official report of General Sully's expedition against the Sioux Indians in Dakota Territory, July-October, 1864.

Headquarters Northwestern Indian Expedition,
Camp on Heart River in Dakota Territory, July 31, 1864.

Sir:—I have the honor to make the following report of my operations since July 25th:

On the 23d of this month I reached this point, having made rapid marches, considering I had a large emigrant train under my charge. I had started in a direction west, but on the road, receiving information that the Indians were on or near the Knife River, I changed my course in a northerly direction. On my arrival at this point I corralled all my wagons and the emigrant train, leaving it in charge of Captain Tripp, Dakota Cavalry, with a sufficient force to guard against danger, intending to start with pack mules, but on opening the boxes I found no saddle blankets. This I replaced with gunnysacks. I then found the bands that go over the packs (called cintuas, I believe) instead of being made of webbing or several thicknesses of duck sewed together, and about six or eight inches wide, were made of hard leather about three inches wide. The torture to the mules, when these pieces, that ought to be called sheet iron, were brought tight into their bellies was such that they were kicking and jumping in all directions and succeeded in either getting their packs off or breaking the saddle. I therefore had to give up the pack mule system, for two days' march with such instruments of torture would completely use up all my animals. I then pressed into service all the light private wagons with me, placing in each four of my best mules and hauling 1,000 pounds each. By throwing away all tents, everything but provisions and ammunition, I could move rapidly with a very few wagons. About 3.00 P. M. of July 26th I succeeded in getting off, and about 10.00 A. M. of the 28th succeeded in reaching the enemy's camp, about eighty miles march. All their camp was standing when I reached there, and they prepared for a fight, no doubt with full confidence of whipping me, for they had twenty-four hours notice of my advance by a party of my scouts falling in with a war party of theirs not sixteen miles from here. We followed their trail, which led to the camp. I found the Indians strongly posted on the side of a mountain called Tahkahokuty Mountain, which is a small chain of very high hills, filled with ravines, thickly timbered and well watered, situated on a branch of the Little Missouri, Gros Ventres, latitude 47 degrees 15 minutes, as laid down on the government map. The prairie in front of the camp is very rolling, and on the left, as we approached, high hills. On the top and sides of these hills and on my right at the base of the mountains, also on the hillocks in front on the prairie, the Indians were posted; there were over sixteen hundred lodges, at least five or six thousand warriors, composed of the Uncpapas, Sans Arcs, Blackfeet, Minneconjous, Yanktonnais, and Santee Sioux. My force consisted as follows: Eleven companies of the Sixth Iowa Cavalry, Lieutenant Colonel Pollack commanding; three companies of the Seventh Iowa Cavalry, Lieutenant Colonel Batten commanding; two companies of Dakota cavalry, Capt. Nelson Miner commanding, four companies of Brackett's Minnesota Battalion, Major Brackett commanding; about seventy scouts, and a prairie battery of two sections, commanded by Capt. N. Pope. This formed the First Brigade. Ten companies of the Eighth Minnesota Infantry, under command of Lieutenant-Colonel Rogers; six companies of the Second Minnesota Cavalry, under Colonel McLaren, and two sections of the Third Minnesota Battery, under Captain Jones, formed the Second Brigade, under command of Colonel Thomas, the whole of my force numbered on the field about twenty-two hundred men.

Finding it was impossible to charge, owing to the country being intersected by deep ravines filled with timber, I dismounted and deployed six companies of the Sixth Iowa on the right and three companies of the Seventh Iowa, and on the left six companies of the Eighth Minnesota Infantry; placed Pope's Battery in the center, supported by two companies of cavalry; the Second Cavalry on the left, drawn up by squadrons, Brackett's Minnesota Battalion on the right in the same order, Jones' Battery and four companies of cavalry as a reserve. The few wagons I had closed up and the rear guard, composed of three companies, followed. In this order we advanced, driving the Indians off as reached the plain between the hills and the mountains. Here large bodies of Indians flanked me. The Second Cavalry drove them from the left. A very large band of Indians collected on my right for a charge. I directed Brackett to charge them. They met gallantly, driving them in a circle of about three miles to the base of the mountains and

beyond my line of skirmishers, killing many of them. The Indians, seeing his position, collected in large numbers on him, but he repelled them, assisted by some well directed shots from Jones' Battery. About this time a large body of Indians, who we ascertained had been out hunting for me, came up on my rear. I brought a piece of Jones' Battery to the rear, and with the rear guard dispersed them. The Indians, seeing the day would not be favorable for them, had commenced taking down their lodges and sending back their families. I swung the left of my line round to the right and closed on them, sending Pope with his guns and the Dakota Cavalry (two companies) forward. The artillery fire soon drove them out of their strong positions in the ravines, and Jones' Battery, with Brackett's Battalion, moving up on the right, soon put them to flight, the whole of my line advancing at the same time. By sunset no Indians were on the ground. A body, however, appeared on top of the mountain over which they had retreated. I sent Major Camp, Eighth Minnesota, with four companies of the Eighth Minnesota forward. They ascended to the top of the hill, putting the Indians to flight and killing several. The total number of killed, judging from what we saw, was from one hundred to one hundred and fifty. I saw them during the fight carry off a great many dead or wounded. The very strong position they held and the advantages they had to retreat over a broken country prevented me from killing more. We slept on the battle ground that night.

The next morning before daylight we started to go round the mountain, as I could not get up it with wagons and artillery in front. After six miles march I came in sight of the trail on the other side of the mountain but could not get to it. One sight of the country convinced me there was no use trying to follow up the Indians through such a country and find them. I went on top of the hill, and as far as I could see with my glass (some thirty miles) the country was cut up in all directions by deep ravines, sometimes near one hundred feet deep, filled with timber, the banks almost perpendicular. I therefore thought the next best thing to do was to destroy their camp. This I did, ordering Colonel McLaren, Second Cavalry, on that duty. I enclose you a report of the property destroyed by him.

McLaren's Report:—I commenced by disposing of the various forces so as to destroy with the least delay the vast quantities of goods left in the timber and ravines adjacent to the camp. The men gathered into heaps and burned tons of dried buffalo meat packed in buffalo skin cases, great quantities of dried berries, buffalo robes, tanned buffalo, elk and antelope skins, household utensils, such as brass and copper kettles, mess pans, etc., riding saddles and dray poles for ponies and dogs. Finding that one day was too short a time to make the destruction complete, I ordered the men to gather only the lodge poles in heaps and burn them, and then deployed the men and fired the woods in every direction. The destruction was thus complete, and everywhere was manifest the rapid flight of the Indians, leaving everything, even their dogs and colts tied to pickets. In skirmishing the timber dead Indians were found killed by exploding shells. After a thorough examination of the camping ground and judging from the amount of lodge poles burnt, I should judge the camp to have amounted to 1,400 lodges. I would report that after the work of destruction commenced the Indians carried a white flag on the bluff close to the camp. As I could not interpret the meaning at this particular time, I did not feel called upon to report the fact to you until I had accomplished the object and carried out order No. 62.

(The two companies of the Dakota Cavalry under Captain Miner, with four companies of the Second Minnesota; four companies of the Sixth Iowa and three companies of the Eighth Minnesota, were engaged in this work of destruction.)

General Sully's report proceeds: That afternoon I marched six miles from the battle ground and camped. About dark a large body of Indians came on to my pickets and killed two. A command was immediately sent after them, but they fled in all directions. They made no further demonstrations on my march to this point, which I reached yesterday, my animals well tired out, having made a march of over one hundred and sixty-five miles in six days, one day being occupied in the fight. The officers and men of my command behaved well, and all appeared desirous to carry out my instructions as well as they could. My thanks are due to the officers of my staff for communicating my orders promptly, sometimes being obliged to expose themselves very much in so doing.

I shall march toward the Yellowstone in two days, bearing a little south, and I expect to overtake the enemy again on my way. In the battle of Killdeer Mountain above narrated, there were 2 killed and 8 wounded in Brackett's Minnesota Battalion; 1 killed and 1 wounded in the Sixth Iowa; 2 killed in the Second Minnesota; and 1 wounded in the First Dakota Cavalry.

General Sully's next report is from his camp on the Yellowstone, after his passage through and the battles of the Bad Lands. It is as follows:

Camp on the Yellowstone River, Dakota Territory,
August 13, 1864.

Sir: I have the honor to make the following report of my operations since I made my last report, on the 31st of July, on my return to Heart River, after my fight:

I assembled together all my Indian and half-breed guides I had to consult about my course. I had not quite six days' full rations on hand, and I must strike the Yellowstone

by the most direct route at the Brazeau House, where I had ordered two small steamers to meet me the first part of August. They all told me it was impossible for wagons to get through the country near the Little Missouri, without they went south, the route I started on before I was turned north by the report that the Indians were on Knife River. I would thus strike the Yellowstone near the Powder River, and it would take me two or three weeks, and then, besides, I could not meet my boats there. One Indian, however, a Yanktonian, told me he had frequently been across that country on war parties, and he thought he could take the wagons through by digging some of the hills. I placed myself under his guidance, and he took me in a west direction for three days along the Heart River; plenty of good grass and water, but timber scarce; the country filled with extensive beds of coal, in some places beds ten feet thick. From what I have seen, coal, I feel sure, can be found in all this country, from the Missouri west to the Yellowstone. On the 5th day of August we came in sight of the Bad Lands, which extend along the Little Missouri, the valley being about twenty miles across; through the middle of this valley runs the river. When I came in sight of this country from the top of the tableland we were marching on, I became alarmed, and almost despaired of ever being able to cross it, and should have been very much tempted, had I rations enough, to turn back, but, on a close examination of my rations, I found I had only rations for six days longer, by some mistake of my commissary. I suppose, for he is not with me to explain, as I left him back at Fort Rice. I therefore had to reduce the bread ration one-third, all other stores except meat, one-half, so as to make it last me to the river. We camped that night with little or no grass and but a few holes of muddy rainwater. I have not sufficient power of language to describe the country in front of us. It was grand, dismal and majestic. You can imagine a deep basin, 600 feet deep and twenty-five miles in diameter, filled with a number of cones and oven-shaped knolls of all sizes, from twenty feet to several hundred feet high, sometimes by themselves, sometimes piled up into large heaps on top of one another, in all conceivable shapes and confusion. Most of these hills were of gray clay, but many of a light brick color, of burnt clay; little or no vegetation. Some of the sides of the hills, however, were covered with a few scrub cedars. Viewed in the distance at sunset it looked exactly like the ruins of an ancient city. My Indian guide appeared to be confident of success, and trusting to him, I started next morning, and by dint of hard digging, succeeded by night in reaching the banks of the Little Missouri, about twelve miles. I regret very much that some gentlemen well acquainted with geology and mineralogy did not accompany the expedition, for we marched through a most wonderful and interesting country. It was covered with pieces of petrified wood and on the tops of some of the hills we found petrified stumps of trees, the remains of a great forest. In some cases these trees were from sixteen to eighteen feet in diameter. Large quantities of iron ore, lava, and impressions in the rocks of leaves, of a size and shape not known to any of us. The banks of the Little Missouri are thickly timbered with cottonwood, and the river resembles very much the Missouri on a small scale. We had now reached the river and the middle of the Bad Lands. Having dug our way down to this point it was now necessary to dig our way out. I therefore ordered out a strong working party, with four companies of cavalry, under charge of Lieutenant Colonel Pattee, Seventh Iowa Cavalry. I remained in camp to allow the animals to rest and pick up what grass could be found around, there being very little to be found. Some few of the men, however, without orders, took their horses into the timber beyond the pickets, leaving their saddles and arms in camp. A small party of Indians crawled up to them, fired on them, creating a stampede. Most of the men ran away, leaving their horses, and the Indians succeeded in getting a few away, but three or four men, having some courage, mounted their horses bareback and gave chase, causing the Indians to drop all the horses, which were retaken, save one or two. A company was soon in pursuit, but the Indians escaped through some of the numerous ravines and forests. As we had saddled and hitched up everything at the first alarm, I broke camp and moved up the river three miles in the direction of our route, where the grass was said to be better. By evening the working party under Colonel Pattee returned, having cut three miles of the road. A part of a company, however, by accident, had been left behind. They were surrounded by Indians and were near being cut off, but by a hasty retreat they succeeded in getting through a deep gorge, where the road was cut, the Indians firing at them from the tops of the hills. They pursued them to the river and showed themselves on the tops of the high bluffs opposite my camp, firing into my camp, but a few shells from Jones' battery soon scattered them, and with the exception of a little picket firing there was no more trouble that night. I now knew I had come upon the Indians I had fought about a week ago, and in the worst possible section of the country I could possibly wish to encounter an enemy. My road lay through a succession of mountain gorges, down deep ravines, with perpendicular bluffs, so narrow only one wagon could pass at a time, intersected with valleys, down which the Indians could dash onto any point of my train. Stretched out in a single line we would extend from three to four miles. The large emigrant train I had were ox teams heavily loaded, and it was impossible to move them except at a snail's pace. I felt more apprehension for their safety than for that of my command, for they had with them a large number of women and children. Therefore I took every precaution for protection as well as for attacking. I distributed my companies along the flanks of the train, and a strong guard in the rear, with Captain Pope's howitzers; with orders for companies to dismount and take the heights at daybreak.

remaining there until the next company in their rear relieved them. I sent three companies of the Second Brigade, who had the advance, ahead with the pioneer party, followed by Jones' Battery. Colonel Thomas, with the rest of his Second Brigade, followed on the flanks of the wagons, while the First Brigade followed, guarding the rest of the trains. I accompanied the advance brigade. I had given orders that at every point when the nature of the ground would allow it, for the teams to double up and park as close as they could, so as to close up the rear. After marching about three miles we came on to the Indians strongly posted in front and on the flanks of a deep mountain pass. They were dislodged after some little trouble, the shells from Jones' Battery doing good execution, and the advance with other troops pushed on, while the pioneer party made the road. The Indians attacked me on the flanks and rear at the same time, but on all occasions they were repulsed with heavy loss by troops near by, and thus we advanced, fighting, hunting a road and digging it out, till we reached a small lake and spring about ten miles from our starting point, repulsing the Indians at every point with great slaughter. I speak partly from what I saw, for in their hasty retreat they had to leave in many instances their dead on the ground; they carried them off whenever they could. At the spring there was for a short time a brisk little skirmish, the Indians trying to keep us from the only water we had that day, and the day was so hot that the animals were suffering very much, having not much to eat for two days. Part of Colonel McLaren's Second Minnesota had most of the work here. One of his companies in advance got separated from the rest and surrounded; they, however, got into a hollow and defended themselves until relieved by other companies sent out from Colonel Thomas's command. Their loss, however, was slight in comparison to their danger. Unfortunately this day I lost the services of my guide; he was shot, having ventured too far in the advance. He was the only one who knew the country over which we were marching.

The next morning we moved onward. The Indians were in front of us, appearing as if intending to give us battle. Probably about one thousand showed themselves. I pushed forward Major House, Sixth Iowa, with two companies of the Sixth, and Captain Tripp's company of Dakota Cavalry, and sent forward Major Brackett with one company of his battalion, and Pope's four howitzers, dismounting the rest of the Sixth Iowa, under Colonel Pollock, on the right, and three companies of the Seventh Iowa, under Lieutenant Colonel Pattee, on the left, to push out and clear our flanks, and moved forward with Jones' Battery and the train; Colonel Thomas, with his Minnesota Brigade, taking care of the rear. We advanced without much trouble with a little skirmishing in front and also an attack in the rear. The enemy were repulsed on all sides. It was evident in spite of all their boasting that all fighting was out of them. A few miles brought us to an open country, and the last we saw of the Indians was a cloud of dust some six or eight miles off, running as fast as they could. They were better mounted than we were. The men behaved well. There were many acts of individual bravery displayed. A great deal of ingenuity in many cases was shown by the men in trapping the Indians who, afraid of our long ranged rifles and artillery, kept themselves at a respectful distance. Parties would crawl out behind hills while a small party mounted would dash onto the Indians, fire and retreat, drawing the Indians into an ambuscade, when they would succeed in emptying a few saddles and capturing a few ponies. It is impossible for me to give anything like a correct report of the number of Indians killed, the fighting extended over so great a distance, and was a succession of skirmishes; there was certainly over one hundred killed. Other officers feel sure there were double or treble that number. It is certain, however, their loss was very heavy. The same Indians I fought before were engaged, besides Cheyennes, Brules, Minneconjous, and others from the south. This I got from my own Indians, who, during the fight, conversed with them from behind the hills. They met me under every disadvantage on the strongest of positions and were entirely crushed and routed. If I had had anything to eat and was not encumbered with an emigrant train, and if my animals had not been without food so many days, I might have overtaken some of them, for they fled in all directions.

I would here state that on crossing the Little Missouri I found the country covered with myriads of grasshoppers, who had eaten everything. My animals were almost starved. I found this state of things all the way to the Yellowstone, and I was obliged to abandon and shoot a number of animals on the road. After marching six miles this day, we came to the place where the Indians left about thirty hours before my arrival. From the size of their camp, or rather bivouac, for they had pitched no lodges, I should judge all the Indians in the country had assembled there. The space they occupied was over one mile long and half a mile wide, besides which we discovered camps all over the country, close by this spot. I found the lodge trails turned to the left in a southwest direction. We still continued our course west by north, and next day crossed a heavy trail going northeast toward the same point where I first fought them. It was evidently not all the lodges that went that way. We continued our way across the country to the Yellowstone, which we reached on the 12th of August, over a section of country I never wish to travel again; our animals half dead with hunger, the grass entirely eaten off. I should judge it is never very good grass in the best of seasons. The water we had to drink, the worst sort of alkali water; this told on the animals. Fortunately we here met the two boats I ordered to get up the Yellowstone, if possible, and the first steamer that ever attempted to ascend this river. These boats were the Chippewa Falls and the Alone, small stern-wheel steamers, the former drawing only

twelve inches light; they each had about fifty tons of freight; very little of it corn. The steamer *Island City*, having aboard nearly all my corn, struck a snag near Fort Union and sunk. The steamers attempted to go above this point, but a rapid shoal rendered it impossible. It was also fortunate for the boats that we arrived when we did, for the water is falling fast, and it will be impossible for them to go down the stream over rapids below without the help of our wagons. Having no grass to recuperate my animals, I had to again change my plans. I intended to again strike across the country north-east, in hopes of reaching the Indians again, but without any grass for several days this could not be done. I therefore crossed the command over the river, fording it with my wagons without much difficulty. The building of the post on the Yellowstone this year I consider not practicable. The loss of one of my boats, the impossibility of getting boats this late up the river, and the want of grass preventing me from hauling stores several hundred miles up the river, will show you the reasons. I shall follow down the Yellowstone to its mouth, cross the Missouri and down it to Bertold. I will by this means have grass and a good road, though I increase my distance over one hundred miles. I have the honor to enclose you the reports of commanders in regard to the part they took in the different skirmishes. With much respect, your obedient servant,

ALF. SULLY, Brigadier General.

Assistant Adjutant General, Department of the Northwest.

The subsequent reports of General Sully, made at various points as he was returning from his expedition, are principally devoted to the conduct of the war, and the policies and methods of the Government in dealing with the Indians. No further trouble was experienced from the hostiles, who had apparently suffered too much to be able to make another stand against the troops and had already in large numbers made their way to places of safety, some returning to the various Indian agencies where they could secure rations and deny that they had participated in any hostile acts against the Government; while others went north into the British possessions, where they could feel secure, as our troops were not permitted to cross the line. Sully reached Fort Union on the Missouri August 18th, and speaks in his report from that point of the difficulties encountered by the steamboats, caused by low water, in their voyage down the Yellowstone. He also parted company with his emigrant train, which pursued its journey toward the setting sun, taking along sundry mules, oxen, rifles, ammunition, etc., from Sully's property. He sent an expedition after the purloiners which overtook one party composed chiefly of the gentlemen of the train, and who had only taken ten mules, a half dozen oxen, some rifles, pistols, and other minor things. Those that were less gentlemanly were not pursued further owing to the exhausted condition of the cavalry horses, but the general felt that they had secured the bulk of the spoils of war taken during the campaign. At Fort Union, which was situated a few miles above the mouth of the Yellowstone, the expedition crossed to the north side of the Missouri, the cavalry fording the stream, which was very low. Fort Union was found to be in a very dilapidated condition, and was being used as a trading post. The general realizing the necessity for a military post at or near this point, though not favoring Fort Union, selected a new site below the Yellowstone's mouth for a post to be erected the next season. He deposited the supplies he had brought along for the post he had expected to establish on the Upper Yellowstone, at Union, and left one company of the Thirtieth Wisconsin in charge. On the 21st day of August he resumed his march for Fort Berthold, sending his sick and wounded down on the steamboats.

On the march the general learned that a large portion of the Indians he had fought at Killdeer Mountain had been supplied with powder and balls by half-breeds of the North who lived on the other side of the line, and claimed the protection from the British flag, which flag was looked upon as unfriendly to the United States in the Civil war then pending. He also learned from what he esteemed as good authority that thousands of the hostile element were anxious to make peace, and he had great confidence in these reports, which were abundantly substantiated during the following winter and spring. No hostile bands were met with.

At Fort Berthold, an Indian settlement, the general met the Rees, Gros Ventre, and Mandans, who gave him a cordial welcome. These Indians had been friendly to the whites for scores of years, the Mandans always. On that account they

were at constant war with the Sioux, and Sully as a mark of appreciation for their consistent loyalty left Captain Moreland with a company of the Sixth Iowa Cavalry with them to assist them in their unequal combats with the Sioux. These Indians were industrious and progressive and were gathering a large crop of corn when the general reached their settlement, which was composed of a large number of frame structures as well as substantial dirt and pole lodges. They offered to send out a force with the general, but he was not then going on another fighting expedition. Subsequently Fort Stevenson was established for the protection of these people, and as a supply post for Fort Totten at Devil's Lake, which was built a year or two later. Fort Buford was also provided for.

On the 30th the march south was resumed, and camp near Fort Rice was made September 9th. It was here learned that a large train of emigrants led by Captain Fisk had reached Fort Rice a month earlier under cavalry escort, and that Fisk had induced the commander at the fort to furnish him an escort through the Indian country west recently traversed by Sully's expedition. At the time of Sully's arrival messengers had come in from Fisk's train, asking for a larger escort to pilot him beyond the danger line. The messengers brought word that Fisk was surrounded by the savages and could not move forward without an escort. It was known that a large number of women and children were with the train, and Sully, though determinedly opposed to the policy of escorting emigrants, whom he characterized as made up of men largely who were trying to escape being drafted, concluded to send out a strong detachment and bring the train back, but on no account would he furnish an escort if they insisted in going ahead. Accordingly Col. Daniel J. Dill, of the Thirtieth Wisconsin Infantry, then stationed at Fort Rice, with a force of 550 infantry, 300 cavalry and one section of artillery, were at once dispatched to the relief of the beleaguered train. This expedition followed Sully's trail five days, then turned a little south and on the tenth day came up with the emigrants, 180 miles out. They found the emigrants well fortified and in condition to resist any attacks from Indians. No Indians had been seen for a number of days, and Colonel Dill concluded that they were secreted in the Bad Lands, which were nearby, waiting for the train to move. The people of the emigrant train were of the same mind and had resolved they would not move another mile without an escort. Fisk, however, favored going forward, escort or no escort, though he urged Dill to pilot them through the Bad Lands, where he thought they were strong enough to take care of themselves. Colonel Dill informed the emigrants that he would be unable to furnish them any escort whatever if they persisted in going on; but that he would start on his return to Fort Rice at six o'clock the following morning, and any who wished the protection of the command to return could have it by being ready at that time. The emigrants took a vote on the question and all but twenty voted to return, and when the return march was begun the next morning the entire party had agreed to return. Colonel Dill met with no Indians, but crossed a number of large Indian trails on his return. A small party of Indians attempted to stampede his animals during early morning and succeeded in getting away with fifteen. He lost one man belonging to the Eighth Minnesota. The man obtained liquor from some of the emigrants and became intoxicated the morning the command left, and was supposed to have laid down and was left behind. This relief expedition reached Fort Rice on September 30th, having been absent twenty days. The emigrants divided here, some going back with the Minnesota troops, and the larger part with the troops coming down the river.

The general was very much gratified at the result of this expedition and the safety of the emigrants. Had the train been captured by the hostiles it would have emboldened them to further depredations and largely neutralized the effect of Sully's victories, which had so dispirited the hostiles that large numbers of them were already inclined to sue for peace.

The commanding general left Fort Rice, which he pronounced as one of the best posts in the West, about the 20th of September, halting on his way down at

the various camps and disposing of his troops for the winter. He reached his headquarters at Sioux City about the 20th of October.

The result of the campaign had undoubtedly destroyed the confidence of the Indians in their ability to cope with the military force of the Government. Sully's campaign had thoroughly demoralized and disheartened the leading hostiles, and broken up the combination of the various tribes that had made up the hostile army. Sully assured the Government that no aggregation of hostile forces need be feared, and the only danger apprehended was from the frequent stealthy depredations of small bands, and troops had been distributed to guard against this so far as practicable.

General Pope, commanding the department in which Dakota was included, complimented Sully for the energy that had characterized his conduct of the campaign and the success which had crowned his labors. Pope felt that the Indian war was ended, and so assured the people, but he did not believe the situation was secure, and would not be so long as the British possessions afforded security to the hostile element and even offered inducements for the continuation of hostilities. In concluding his report to Major General Hallock, commander of the army, General Pope suggests that:

In some manner the British Government should either prevent hostile Indians who reside within the boundaries of the United States from seeking refuge in British territory, or should secure the United States against the raids of such Indians, or should permit the United States forces to pursue into British territory all Indians who belong south of the line and who are at war with citizens of the United States. One of these three demands is certainly reasonable, and will effect the desired purpose. In the same connection it will be necessary to prohibit half-breeds and other British subjects from coming into the territory of the United States to trade with Indians, whether hostile to us or not, who live south of the British line. The hostile Sioux have, for the past two years, been supplied with ammunition, provisions, etc., to carry on hostilities against the United States by British subjects, both in their own territory and ours. A state of hostility between the Sioux and citizens of the United States of course throws all the trade with such Indians into the hands of British traders, hence the anxiety of those traders to prevent peace with the Sioux Indians.

As future experience disclosed, the Indian war which was inaugurated by Little Crow in Minnesota in August, 1862, was terminated with the conclusion of this campaign. The causes of the long and costly and unprecedented insurrection have already been sufficiently referred to. While a period of comparative peace ensued for some years following, the repeated efforts of the whites to open the Black Hills, and the building of the Union Pacific Railroad and the surveys for the Northern Pacific later, served to keep the Indian mind in a state of irritation and antagonistic. The redmen complained of these projects, which, with the increase of travel through what they called their country, drove away their game and deprived them of their subsistence.

This condition could not be avoided; the Government recognized it, and was abundantly prepared to make up the deficiency and much more. In fact it was even then supplying to its Indian wards generous supplies of food and clothing.

CAPTAIN NELSON MINER'S REPORT

Northwestern Indian Expedition,
Camp First Battalion, Dakota Cavalry,
Deerkill Mountain, August 2, 1864.

Sir: I have the honor to report that in the battle on the 28th of July, 1864, my command was held in reserve for a time in rear of the battery of the First Brigade until a charge occurred in the skirmishers on the left between the Eighth Minnesota Infantry and the Seventh Iowa Cavalry, when I was sent with Company A, of my command, to occupy the space. When, after driving the Indians for some two miles, a large force of Indians appeared on the hill in front of us, when we charged up the hill and met several times at short range, with good effect, when Captain Pope, with his battery, Company B, of my command, Company M, Sixth Iowa Cavalry, and the Nebraska Scouts came prominently

support, which caused the Indians to retreat. I then, with Company A, Dakota Cavalry, passed to the left of a hill which was in our front, when the battery, with Company B of my command, went to the right, when after a little skirmishing the Indians went up the mountains, which were in front of the command. We then halted and soon after returned and camped with the rest of the command on the battlefield. At an early hour next morning, after ascertaining that it was impossible to follow the Indians farther with any prospect of success, I went to the Indian camp with both companies of my command, in accordance with orders, for the purpose of destroying the property of said Indians, and although several other companies were at work destroying the property of the Indians, my two companies destroyed some seven hundred skin lodges, a large quantity of buffalo robes, camp equipage and provisions. The casualties in my command were only one soldier, of Company A, slightly wounded. In conclusion, I beg leave to state that in my opinion great wisdom was displayed in the conducting of said battle by our most worthy general. I am, sir, your most obedient servant,

NELSON MINER,

Captain, Commanding Dakota Cavalry.

BRIG. GEN. ALFRED SULLY, Commanding Expedition.

This was the only official report of any battle in which the Dakota troops were engaged. They took part in several skirmishes at Sioux Falls, Yankton, and on Sully's march up the Missouri Valley, and were employed extensively in scouting and patrol duty.

From the report of Col. M. T. Thomas, colonel of the Eighth Minnesota Volunteers, who commanded the Minnesota brigade on its march across Central Dakota in 1864, to the Missouri River, and joined General Sully opposite, or a few miles above, the mouth of the Cannon Ball River:

Headquarters Minnesota Brigade, Northwestern Indian Expedition,

Fort Ridgely, Minnesota, October 9, 1864.

Captain: I have the honor to make the following report of the operations of the Minnesota or Second Brigade of the Northwestern Indian Expedition, ordered from this district to join Brigadier General Sully on the Missouri River:

The force, consisting of the Eighth Minnesota Regiment, Volunteer Infantry, mounted; six companies of the Second Minnesota Cavalry Volunteers; one section of six-pounder smooth bore guns, and one section of twelve-pounder mountain howitzers, all brass pieces; a corps of forty-five scouts, with a train of ninety-three six-mule teams and twelve ambulances, was rendezvoused at this camp on the 1st day of June, 1864, and took up the line of march on the 6th day of June, with thirty days' rations, via the Minnesota and Intpah rivers and Captain Sully's Trail, to Goose Nest Lake on the Minnesota Coteau; from thence to the James River below the mouth of Elm River; from thence to the headwaters of said river, at the foot of the Missouri Coteau, across it to the Bois Cache Creek, and down to Swan Lake Creek, which we struck at a point seven miles from the Missouri River, and joined General Sully's command on the 30th day of June, having marched 332 miles. July 4th, marched for Long Lake River; arrived on the 8th, ninety-nine miles. Opposite this point General Sully located Fort Rice, above the mouth of the Cannon Ball River. The whole command crossed the river on steamboats and prepared for a campaign against the Indians, which preparations consumed eleven days. Leaving Fort Rice on the 19th of July, marching up the Cannon Ball River for five days, nearly a west course, thence one day's march to the Heart River, 110 miles. At this point the main train, with 125 Idaho emigrant wagons that had followed us from Minnesota, were corralled, and, taking six days' rations in light wagons, started north in search of the Indian camp, reported to be on Knife River. On the third day after crossing Knife River we arrived in sight of the enemy's camp, located on a plateau, or succession of rough land, with great rugged buttes overhanging it. The position for defense and safety could not have been better, being protected in front by almost impassable wooded ravines, and in rear, as soon as the hills were ascended, through narrow chasms, they were safe from pursuit, except from dismounted men or the equally active Indian ponies belonging to the enemy. For particulars of the engagement please refer to my official report to Brigadier General Sully, of the date of July 28 and 29. Returned to Heart River July 30th, having marched in six days 172 miles, and fought the battle of Tah-kah-o-kuty.

Starting from this point August 3d, we reached the Little Missouri River August 7th, 83½ miles. At this point the Indians again made their appearance, and made some slight offensive demonstrations, which were easily quieted. The country for sixteen miles before reaching the river had been of the most terrible and indescribable character, and continued so for twenty miles beyond.

On the morning of the 8th of August, in making an egress from the river bottom, the battle of the Little Missouri, or "The Hills That Look at Each Other," commenced and was fought during that and the succeeding day. (A report of the operations of the brigade during the battles of that date enclosed.)

From the best information it has been ascertained that the Indians that were first encountered at Tah-kah-o-kuty had been largely reenforced by other bands and returned war parties, and had collected at this point to oppose us, and certainly felt confident, with the advantages of position (which could not have been better chosen), of an easy victory.

It certainly was the largest body of Indians ever assembled on the American Continent to fight a battle.

The Minnesota Brigade, having the advance in the battle of the 8th instant, had the honor of encountering this immense horde, and fighting nearly all of them through the day, whipping and driving them about twelve miles. Commencing at 7 A. M., the fight was continued until dark of a long summer day, without water, and the thermometer at 110 degrees in the shade. Over buttes, through ravines, rocks, and stones, the wild yells and rapid dashes of the savages, the troops pressed forward with a courage and untiring energy that rapidly overcame all obstacles, and night closed the wild wake, and the men laid down on their arms in line of battle, eager for the morning's light to again commence the work of death. Hundreds of the savages lay along the hillsides and ravines. Our loss was but seven wounded, and a few horses. During the 9th instant they entirely disappeared, and our march was continued to the Yellowstone River, over a country almost devoid of water or grass, and two-thirds rations for the men, a distance of 104 miles.

The remainder of Colonel Thomas' report, so far as it relates to the return march to Fort Rice, is substantially the same as the report of General Sully, given in former pages. Of his return march to Minnesota, Colonel Thomas gives but a brief account, as follows:

Having been relieved at Fort Rice from duty with the Northwestern Indian Expedition, the Minnesota Brigade started for Fort Wadsworth September 15th, marched by way of Long Lake, crossing the James River a few miles below the Bone Hills, and reaching Wadsworth September 26th, distance, 206 miles. Having been directed to relieve the battalion of the Thirtieth Wisconsin Volunteer Infantry at this post, Major Rose, with companies B, C, D and H, Second Minnesota Cavalry, was detached for that purpose. Major Clowney's Battalion, on being relieved, joined the command, marching on the 26th of September, and reaching this post (Fort Ridgely) October 8th, four months and three days after our departure. In that time we have marched 1,625 miles. The behavior of both officers and men has been all that could be desired.

General Sully had left but a small force to guard the settlements during the absence of his expedition. There was, all told, about two hundred and forty soldiers distributed through the settlements between the Big Sioux River and Choteau Creek, a distance of 150 miles, and despite their unwearied vigilance, small bands of from three to ten bold hostiles would penetrate the patrol line, commit some depredations, inflame the mind of the settlers, and make their escape.

Governor Edmunds, for the purpose of preventing these damaging incursions, issued the following order:

The calamities which have recently fallen upon the border settlers in our neighboring territory, Nebraska, extending into the State of Kansas, from roving bands of hostile Indians, should admonish all citizens living on the border, or in the immediate vicinity of the Indian country, that, as a precautionary measure they should prepare to meet the wily foe. While I, at the present time, see no greater cause to apprehend an attack on our settlements than heretofore, still, inasmuch as roving bands of hostile Indians are committing depredations upon our neighbors, I have deemed it a matter of duty to call the attention of our citizens to this very important subject, that they may be fully advised, and take such steps as may be thought necessary to place themselves in the best possible state of defense.

Now, therefore, I, Newton Edmunds, governor and commander-in-chief of the militia of the territory, do order as follows, viz.:

All male citizens liable to perform militia duty under the laws of the territory are hereby ordered to assemble at the place and time designated below and enroll their names preparatory to being formed into companies. After the enrollment on the days designated the citizens thus enrolled will at once proceed to the election of officers to take command of the men enrolled at the various rendezvous. Each list of forty to sixty names will proceed to elect one captain, one first and second lieutenant, who will, upon a list being forwarded to the commander-in-chief at headquarters, be commissioned to the grades, respectively, to which they have been elected. Five sergeants and eight corporals will be allowed to be elected. Where sixty or more names are enrolled, two or more companies may be formed. The militia

ment at all points will begin at 10 o'clock A. M. on Thursday, the 8th day of September, 1864, at the following named rendezvous:

Brule Creek, Union County, at Richland.
 Big Stone Point, Union County, at Twelve Mile Hotel.
 Elk Point, Union County, at Elk Point Hotel.
 Clay County, east of the Vermillion River, at Vermillion.
 Between the Vermillion and Dakota rivers, at Peter Emerson's.
 Yankton County, west of the Dakota River, at Yankton.
 Bon Homme County, already enrolled.
 Charles Mix County, at Major Haunnter's, near Fort Randall.
 Todd County, at the Ponea Agency.

Upon receiving notice of the enrollment and organization of companies, steps will be taken at once to distribute arms and ammunition to the various companies in proportion to the number enrolled and officers.

Witness my hand and the great seal of the territory, at Yankton, Dakota Territory,
 August 29, 1864.

[SEAL]

NEWTON EDMUNDS,
 Governor and Commander-in-Chief of the Militia.

Attest:

JOHN HUTCHINSON, Secretary.

Lieut. T. Elwood Clark, of Company B, Dakota Cavalry, was left by General Sully in charge of the military stores at Yankton in 1864, and had also a command of forty-two men of the Sixth Iowa Volunteers. With this force he built a very substantial log fort about six miles southeast of Yankton, on James River. Its dimensions were liberal and intended to accommodate 100 soldiers. With his small force of soldiers and formidable fort, which he named Fort Hutchinson, he exerted a strong and favorable influence in allaying the anxiety of the settlers regarding the Indians, who continued to be disturbed by apprehensions of undersight raids, greatly hindering the settlement and improvement of the land. There was also a detachment of Iowa troops at Vermillion, and on the Big Sioux, at Brule Creek, was stationed Company M of the Sixth Iowa, who built a small fort and patrolled the country as far west as James River. Another small force was stationed at Sioux Falls, and still another at Turkey Creek crossing of the Sioux Falls and Yankton wagon road; in all 246 soldiers, who patrolled the country from the Big Sioux River to Choteau Creek. The presence of these troops and their efficient vigilance, together with the friendly and timely acts of the Yankton Indians, served in great measure to quiet the apprehensions of the exposed settlers, who were engaged in making farms and building homes on the prairies.

General Sully made the following disposition of troops in this military division for the winter by an order issued November 15, 1864.

One battalion of the Seventh Iowa Cavalry at Sioux Falls, Lieutenant Colonel Pattice commanding.

Companies E and F, same regiment, on the northern frontier of Iowa, in small detachments.

Company I, Sixth Iowa, and a detachment of Companies A and B, Dakota Cavalry, at Fort Yankton. This fort was six miles north on the James River.

Companies A and B, Dakota Cavalry, were assigned to duty at Vermillion, Bon Homme, Choteau Creek, Yankton Agency and Fort Randall. Headquarters Company A, Captain Mimer, at Vermillion; headquarters company B, Captain Tripp, Yankton Agency.

Companies A, L and M, Sixth Iowa, Fort Randall, Major Galligan commanding battalion; Colonel Pollock in command of the fort.

Companies of Iowa troops were stationed at Crow Creek; Lieutenant Berst, Fort Sully; Major Home in charge at Fort Berthold, Iowa troops.

This disposition of troops gave general satisfaction. There was little apprehension of Indian raids during the winter, and would have been none whatever had it been known that the hostile Indians had been so terribly defeated by Sibley and Sully during the summer, their arms and ammunition destroyed and themselves scattered in small bands along the upper river, eking out a bare and scanty living by begging at the military posts and from friendly Indian tribes.

Regarding the Indian wars in Dakota, beginning in 1862 and ending in 1864-65, one fact should be remembered. The immediate cause of Indian hostilities did not arise in Dakota. The war began with the Little Crow uprising and slaughter of whites in Minnesota in August of that year. Prior to 1862, the Dakota Indians had been on a peace footing with the whites and the Great Father for a score of years, and to all appearances seemed inclined to peaceful relations up to the time of the Minnesota massacre. But the hostile flame kindled in Minnesota spread with great rapidity until it enveloped the entire Sioux nation and threatened the peace of the entire Northwest. In magnitude it exceeded all the Indian wars in which our Government had been engaged; the wide theater embraced in the hostile country; the difficulties which confronted the armies sent to subdue the savages; the formidable character of the enemy in numbers, in confidence, skilled in warfare and well supplied with modern firearms—all gave the Indians an advantage they had never before possessed in their armed conflicts with the whites. If this condition was not more freely and generally recognized and acknowledged at the time, it was because of that much greater and more important conflict in which over two million of our countrymen were engaged during the same years, and which was conducted on a scale so stupendous as to dwarf the Indian troubles into an insignificant affair by comparison, as it also dwarfed all other wars our country had ever engaged in. It is highly creditable to the troops engaged and to those who managed these Indian campaigns and carried the war to such a successful conclusion, that they overcame all obstacles, and there were others nearly as formidable as the hostile Indians; restored to the nation peace on its vast northern and western frontiers and opened the way for the settlement and development of this great Northwest, which has proved such a tower of strength to the nation, and added so materially to its wealth and prosperity during all these succeeding years. The white people who had settled in Dakota contributed their full share to this creditable and gratifying result.

CHAPTER XXXIV

THE ELECTION OF 1864

ELECTION IN 1864—DIVISION IN THE REPUBLICAN LEADERSHIP—BURLEIGH AND BLISS FACTIONS—TWO REPUBLICAN CONVENTIONS—BLISS RELIES ON DEMOCRATIC SUPPORT, BUT GENERAL TODD DECIDES TO RUN—BLISS AND BURLEIGH COMPROMISE AND THE JUDGE LEAVES THE TERRITORY—BURLEIGH ELECTED; TODD GIVES NOTICE OF CONTEST—LEGISLATIVE INVESTIGATION—CONTEST WITHDRAWN.

Maj. Walter A. Burleigh, agent of the Yankton Indians, was an announced candidate for the office of delegate to Congress in the winter of 1863-64. The election would be held in September of that year, and Mr. Burleigh had managed his campaign so successfully that he had no opposition among the faction of the republican party which he was presumed to represent, which faction controlled the regular republican organization. There was, however, a very strong opposition among the republicans, not directed so much against Mr. Burleigh, as against the party which had been identified with Governor Jayne in his campaign against General Todd. This campaign had left a serious breach in the republican organization, which instead of healing over had gradually assumed a more formidable antagonism, until another organization was formed with Chief Justice Philemon Bliss as the standard-bearer. The national republican convention had been called to meet in Baltimore in June, 1864, to nominate a President and vice president. The regular, or Jayne, faction of the Dakota republicans had held their convention, to elect delegates to the national convention, in January, as previously noticed, and the rival organization headed by Judge Bliss had determined to hold a convention and also elect delegates. The political outlook in the spring of 1864 in the Dakota field revealed these two rival parties, both republican and nothing more. There was no democratic party in view, and it was an open secret that the democrats would not put a candidate in the field, but would leave the supporters of that party free to vote for whichever of the republican candidates they might prefer. It would seem that the majority of the democrats would naturally lean toward the Bliss faction, that gentleman having been considered friendly to General Todd in the previous contest, and this might have proven true, had Burleigh been an idle politician, which he was not; and as he had diagnosed the situation intelligently and correctly, he had secured many of the most active democrats among his recruits as one of his first successes and before any conventions were held. Up to this time, April, 1864, the Jayne-Todd contest before Congress had not been decided. Jayne had been given the seat pending the contest. Todd had the moral support of the Bliss republicans in Dakota and was anxious to retain it until the contest was over, in any event, and if he had any thought of being again a candidate in 1864, he was wise enough to conceal it. Todd's closest friends in his own party were those who were giving Judge Bliss and his partisans the utmost encouragement in his fight against the Jayne, or Burleigh, faction. They appreciated the advantage of having two republican candidates.

Among leading republicans, Burleigh was sustained by Governor Edmunds, General Hill, W. W. Brookings, the United States land officers, Boyle and Allen, of Vermillion, and George Stickney, of Elk Point, while Bliss had Attorney

General Gleason, United States Marshal Pinney, Provost Marshal Waldron, Secretary Hutchinson, Major Dewitt and Byron Smith. Quite a number of democrats were also in the republican ranks, who had abandoned their old party on war issues, Enos Stutsman being the recognized leader of this element and a supporter of Doctor Burleigh.

It would seem that in accordance with the ordinary practice of political parties, and of an administration, the republican party of the nation would have recognized and given preference and support to one of the republican parties in Dakota and endeavored to strengthen it with the federal patronage, but for a great many years after the organization of the territory no such recognition was given, with the exception of the term when Mr. Johnson was President. It is true that the majority of territorial appointments had been given to the citizens of the states where the people were privileged to vote for President and could elect senators, a privilege denied to the territories, and yet a few crumbs fell to the territory, but were disposed of to those who were regulars, bolters or independents, as the case might be, in about equal proportion. It appears that from the standpoint of the appointing power the republicans of Dakota were engaged in a family quarrel in which neither faction could maintain a claim of superior fealty to the national organization, because all were alike strenuous in their profession of loyalty to the Union and support of the administration. This peculiar situation continued until Mr. Hayes became President in 1877, when there was something of an effort made to induce the new appointees from outside to use their influence to harmonize the warring elements, which was partially successful, for thereafter no appointments were made from citizens of the territory unless they were endorsed by the trusted advisers of the administration.

These factional differences in the republican party of Dakota grew to such antagonistic proportions during 1863 that the Dakotan newspaper at Yankton was no longer able to maintain a neutral position regarding these differences, and as Doctor Burleigh was part owner of the plant and a leader of the strongest faction, he desired the support of the paper, even at the expense of an open rupture with the Bliss element. This did not coincide with the views of the active partner, Mr. Kingsbury, and the result was an arrangement which placed the editorial department of the paper in the hands of a very able party, satisfactory to both factions, who was expected to bring about a peaceful and amicable adjustment of the difficulty. This task was given to Hon. Enos Stutsman, but he wearied of it after a few months of patient effort, having exhausted his supply of oil and accomplished nothing in the way of harmony. Rev. Albert Gore, of Union County, a Baptist clergyman, was then employed, and this was followed by the purchase of the entire plant by Mr. Burleigh, Mr. Kingsbury remaining for a time as the publisher. The Dakotan now took up the advocacy of Mr. Burleigh's nomination to the position of delegate to Congress, and opened its batteries rather pointedly, though mildly, upon the other factions.

This situation begot a desire on the part of the Bliss people for another paper that would defend their position, and the result was the purchase of a new printing plant and the establishment of the Dakota Union Newspaper in the spring of 1864, the first number of which was issued on the 10th of May of that year, with M. K. Armstrong as editor and G. W. Kingsbury as associate and publisher. The Dakota Union supported the Bliss faction. The democrats had no newspaper in Dakota, but the Sioux City Register, under Mr. William Freney, became their organ and accorded them able support.

A call was issued July 7th for a republican union territorial convention, of which the following is a copy:

The voters of Dakota who desire the unconditional maintenance of the Union, and the supremacy of the Constitution, and the complete suppression of the existing rebellion, with the causes thereof, by vigorous war and all apt and efficient means; also all persons that are opposed to the location by the speculators of Sioux half breed settlements on the lands to the prejudice of bona fide settlers, are invited to send delegates to a territorial convention.

to be held at Vermillion, on Wednesday, July 27, 1864, at 12 o'clock A. M., for the purpose of nominating candidates to be supported for delegate to Congress, territorial treasurer and auditor, and also to transact any other business that may properly come before the convention. The basis of representation will be as follows:

Union County, 8 delegates; Clay County, 9; Yankton County, 8; Bon Homme County, 3; Charles Mix County and Buffalo, 3; Todd and Gregory, 3; Company A, Dakota Cavalry, 1; Company B, Dakota Cavalry, 1.

The members of the territorial committee for each county will call the county conventions where there are no county committees. The committee would recommend that the different conventions be held the 23d day of July at 2 o'clock P. M.

W. W. BROOKINGS, Yankton.

L. H. LITCHFIELD, Bon Homme.

L. BOTHUM, Clay.

MAHLON GORE, Union.

JOHN J. THOMPSON, Charles Mix.

Republican Union Territorial Committee.

TERRITORIAL CONVENTION, REPUBLICAN AND UNION PARTY

Pursuant to public notice, the republican and union territorial convention met at Vermillion on Wednesday, July 27, 1864. W. W. Brookings called the convention to order, after which a temporary organization was effected by the election of G. C. Moody, chairman; A. W. Puett, secretary.

The convention then proceeded to a permanent organization, and on the first ballot for president, A. W. Puett received twenty-four votes, and J. M. Allen, register of the United States land office, eight votes. Mr. Puett took the chair, and Mahlon Gore, of Union, was elected secretary, and B. A. Hill, same county, assistant secretary. On motion of W. W. Brookings, a Committee on Credentials was appointed, consisting of W. W. Brookings, John Mechlin, Michael Chaussee, Ole Bottolfson, Judson LaMoure and J. S. Kenyon. On motion the chair then appointed J. R. Hanson, D. Chaussee and G. C. Cole a Committee on Resolutions. The convention then adjourned ten minutes to give the committees time to make up their reports, and on being called to order, the Committee on Credentials reported the following named persons entitled to seats:

Union County—M. M. Rich, N. G. Curtis, Judson LaMoure, S. Goucher, D. Chaussee, Wm. Matthews, A. R. Phelps, Mahlon Gore. Clay County—C. N. Taylor, G. A. Jacobson, Ole Bottolfson, J. M. Allen, H. Compton, Wm. Shriner, Peter Nelson, A. W. Puett. Yankton County—J. R. Hanson, W. W. Brookings, G. N. Propper, J. M. Stone, W. Reed, C. F. Picotte, G. C. Moody, Ole Sampson. Bon Homme County—J. S. Kenyon, D. P. Bradford, G. C. Cole. Charles Mix County—C. E. Hedges, J. J. Thompson, John Mechlin. Todd County—J. A. Potter, J. Dillon, Wm. Keegan. Company B, Dakota Cavalry—T. Elwood Clark.

Mr. Clark then addressed the convention on the subject of citizen soldiers being represented in the convention and while advocating the right he deemed it his duty under the circumstances in this case, to decline to sit as a delegate.

The report of the committee was adopted.

The Committee on Resolutions submitted the following report:

Resolved, That it is the highest duty of every American citizen to maintain against all their enemies, the integrity of the Union and the paramount authority of the Constitution and laws of the United States, and that laying aside all differences and political opinions, we pledge ourselves as Union men, animated by a common sentiment and aiming at a common object, to do everything in our power to aid the Government in quelling, by force of arms, the Rebellion now raging against its authority, and in bringing to the punishment due to their crimes, the rebels and traitors arrayed against it.

Resolved, That we approve the determination of the Government of the United States not to compromise with rebels, nor to offer any terms of peace except such as may be based upon an unconditional surrender of their hostility and a return to their first allegiance to the Constitution and laws of the United States, and we call upon the Government to maintain their position, and to prosecute the war with the utmost possible vigor to the complete suppression of the Rebellion, in full reliance upon the self-sacrificing patriotism, the heroic valor and the undying devotion of the American people to their country and its free institutions.

Resolved, That as slavery was the cause and now constitutes the strength of the Rebellion, and as it must be always and everywhere hostile to the principles of republican government, justice and the national safety demand its utter and complete extirpation from

the soil of the republic, and while we uphold and maintain the acts and proclamations by which the Government, in its own defense, has aimed a death blow at this gigantic evil, we are in favor of, furthermore, such an amendment to the Constitution, to be made by the people in conformity with its provisions, as shall terminate and forever prohibit the existence of slavery within the limits of the jurisdiction of the United States.

Resolved, That we approve and applaud the practical wisdom, the unselfish patriotism, and the unswerving fidelity to the Constitution and the principles of American liberty, with which Abraham Lincoln has discharged, under circumstances of unparalleled difficulty, the great duties and responsibilities of the presidential office; that we approve and endorse, as demanded by the urgency, and essential to the preservation of the nation, and as within the provisions of the Constitution, the measures and acts which he has adopted to defend the nation against its open and secret foes; that we approve especially the proclamation of emancipation and the employment as Union soldiers of men heretofore held in slavery, and that we have full confidence in his determination to carry these and all other constitutional measures, essential to the elevation of the country, into full and complete effect.

Resolved, That we deem it essential to the general welfare that harmony shall prevail in the national councils, and we regard as worthy of public confidence and official trust those only who cordially endorse the principles proclaimed in these resolutions, and which should characterize the administration of our Government.

Resolved, That the Government owes to all men employed in its armies, without regard to distinction of color, the full protection of the laws of war, and that any violation of these laws or the usages of civilized nations in time of war, by the rebels now in arms, should be made the subject of prompt and full redress.

Resolved, That foreign emigration, which in the past has added so much to the wealth, development of resources and increase of power of this nation—the asylum of the oppressed of all nations—should be fostered and encouraged by a just policy.

Resolved, That we are in favor of the construction, speedily, of a railroad to the Pacific coast.

Resolved, That the national faith, pledged to the redemption of the public debt, must be kept inviolate; and for this purpose we recommend economy and rigid responsibility in the public expenditures, and a vigorous and just system of taxation, and that it is the duty of every loyal state to sustain the credit and promote the use of national currency.

That we approve the position taken by the Government, that the people of the United States can never regard with indifference the attempt of any European power to overthrow by force or to supplant by fraud, the institutions of any republican government on the Western Continent, and that they will view with extreme jealousy, as menacing to the peace and independence of their own country, the efforts of any such power to obtain new footholds for monarchical governments, sustained by a foreign military force, in near proximity to the United States.

That having come to Dakota to seek a home for ourselves and families, we deem it the first duty of every loyal citizen to do all in his power toward laying the foundation of a state that shall reflect honor upon the general government to which we owe unflinching allegiance, and to whose protecting care we are indebted for our prosperity and security.

Resolved, That as a matter of economy to the Government, and as affording also the only effectual means of security to our frontier settlements, we are in favor of the establishment of a line of military posts extending from Minnesota to the Platte River, which posts should be placed between the hostile Indians and our frontier population, and not beyond the unfriendly Indians as is at present the case; and as this matter is one of vital importance to our people, we will use every means in our power to accomplish it.

Resolved, That while we watch, with the deepest solicitude and interest, the efforts of our Government to save our Union from destruction, and while we would object to any lavish and unnecessary expenditure of the public treasure, we should not entirely lose sight of our local interests, or hesitate to ask of our parent Government, aid in certain important matters; therefore we are in favor of, and the nominee of this convention is pledged, if elected, to use his most vigorous efforts to secure such an amendment to the Pacific railroad bill as will give this territory the benefit of a branch of said road, and also to secure an appropriation to open a mail route from Dakota to Idaho.

Resolved, That we are in favor of the settlement of local questions, in the territory, by a majority of the legal voters in the manner prescribed by law.

Resolved, That we are opposed to all monopolies and private speculation, whereby the settlement of our territory is in the least retarded or the rights of its citizens abridged.

Resolved, That the right of suffrage is among our dearest and most sacred rights, that it should never be tampered with or trampled upon, and we do hereby condemn and utterly repudiate all improper interference with the elective franchise from whatever source it may emanate.

Resolved, That we welcome to our territory all those who have come among us to find homes for themselves and families, regardless of the lands from whence they came, and we pledge ourselves to extend to them the same rights and privileges that we are permitted to enjoy, and also to do all in our power to induce further immigration to our territory.

Resolved, That through the education of the masses of the people our free institutions are to be preserved, and therefore we pledge ourselves to do all in our power to sustain

such a system of free schools and colleges as shall insure the free and liberal education of the rising generation in this territory.

Resolved, That the political party represented by this convention is the republican and union party of this territory, and the only political party in this territory that has sustained the administration of Abraham Lincoln for the last four years and during the terrible ordeal through which our country has been passing.

Resolved, That having adopted and proclaimed our platform and political creed, and placed in nomination our standard bearers for the coming campaign, we pledge ourselves to use all laudable efforts to secure their election on the second Tuesday of October next.

The report on resolutions was adopted.

Nominations being then in order, J. R. Hanson presented the name of W. A. Burleigh for the nomination as delegate to Congress, which was seconded, and no other name being presented, Mr. Burleigh was nominated by acclamation. I. T. Gore, of Union County, was nominated for territorial treasurer, and Charles LaBreche for territorial auditor.

On motion of George N. Propper, the president of the convention was instructed to notify Mr. Burleigh, by letter, of his nomination, whereupon the following notification was sent to the nominee:

Republican and Union Convention of Dakota Territory.

In Session at Vermillion, July 27, 1863.

Hon. W. A. Burleigh.

Sir: It affords me great pleasure to inform you that the convention has unanimously nominated you for delegate to Congress, and hope you will do us the honor to accept. Your answer, by letter, would be regarded as a favor.

Yours very truly,

A. W. PUETT, President of the Convention.

MR. BURLEIGH'S REPLY

Vermillion, Dakota Territory, July 27, 1864.

Hon. A. W. Puett, President Republican and Union Convention.

Sir: I have the pleasure to acknowledge the receipt of your note of the present date, informing me of the action of the convention over which you have the honor to preside, in nominating me as the candidate of the republican and union party to represent this territory in Congress. I accept the nomination and tender to the convention, through you, my thanks for the honor conferred.

Respectfully and truly yours,

W. A. BURLEIGH.

On motion of Mr. Brookings, the delegates from the different counties were requested to select the names of proper persons for their counties for the territorial committee for the ensuing year, whereupon the following were selected:

Charles Mix County—Joseph V. Hamilton. Todd County—Joel A. Potter. Bon Homme County—H. C. Wood. Yankton County—J. R. Hanson. Clay County—Ole Bottolfson. Union County—R. S. Kenyon.

J. R. Hanson was appointed chairman of the committee.

On motion of Mr. Moody, it was decided that the proceedings of the convention be published in the *Dakotian*.

On motion of Mr. Brookings the convention adjourned.

MAHLON GORE, Secretary.

A. W. PUETT, Chairman.

Following the convention a ratification meeting was held at Vermillion the same day, at which addresses were made by Colonel Moody, Doctor Burleigh, Gen. G. D. Hill, Hon. Enos Stutsman and Geo. M. Pinney. In the course of his remarks, Doctor Burleigh, the nominee for Congress, referring to the platform adopted, said that he would "stand upon it until he could stand no longer, then to sit upon it, and should death cut him down destroying all his hopes and anticipations, he desired that his winding sheet might be the platform of the republican and union party of Dakota."

Mr. Geo. M. Pinney said he appeared to ratify the nominations of the the Baltimore convention; his sentiments were with the supporters of the Union; he stood with a large number of men who were yet free and uncommitted concerning the action of this convention; that he was not prepared to pledge support to the nominees of this convention. Mr. Pinney was the United States marshal, and while he had not avowed himself, was looked upon as friendly to Judge Bliss. Mr. Lincoln had been renominated at Baltimore, and this ratification gave him an opportunity to declare himself on national issues.

The purpose of giving the full text of the resolutions adopted is, principally, to show the paramount questions then engaging the attention of the people of the United States, and also to exhibit the advancement of public sentiment in favor of the abolition of slavery, which was now generally advocated by the friends of the Union. Union men began to regard slavery as the stronghold of the rebellious states. Such a proposition would have met with little open countenance in a republican union convention two years earlier, the position of the union leaders, as publicly declared, being not to disturb slavery where it existed under the sanction of state laws, but unalterably opposed to its extension. Now the public mind had become awakened to the recognition of slavery as the primary cause of the fraternal strife, and the mainstay of the rebellion; and this change in sentiment found expression through resolutions adopted by state conventions during this national campaign, and through thousands of public meetings.

THE ANTIS

The anti-Jayne-and-Burleigh wing of the republicans did not propose to be misrepresented, or not represented, at the National Union Convention to be held in Baltimore, in June; and inasmuch as the Burleigh wing had elected delegates to that most important gathering (in the estimation of federal office holders), during the legislative session in January preceding, the new organization now entered the field, under the title of the Union Party of Dakota Territory, in May, 1864, led by Chief Justice Bliss, Secretary Hutchinson, J. F. J. Dewitt, U. S. Attorney Gleason, Byron M. Smith, Geo. P. Waldron, U. S. Provost Marshal and others, republicans, and issued the following call:

UNION CONVENTION

A territorial union convention will be held in Yankton on the 23d day of May, inst., to elect a delegate to the national union convention to be held at Baltimore on the 7th of June next, and for other purposes. All citizens who are in favor of a vigorous prosecution of the war, and of sustaining the administration in its efforts to restore the Union, and who are opposed to the frauds and the illegal tampering with the ballot box that have disgraced our young territory, are requested to meet in their respective assembly districts, on the 2d inst., and elect delegates to said convention. Each county or district is entitled to as many delegates as it has members of the council and House of Representatives.

T. C. WALSON,
JOSEPH LEBARGE,
JACOB DEUEL,
JOHN GOEWLY,
A. G. FULLER,

G. W. PRATT,
P. BOCK,
JOHN HUTCHINSON,
J. HELLMAN,

Territorial Central Committee.

Pursuant to the above call the chosen delegates from the various districts in the territory, met in convention at the capitol building in Yankton, at 2 o'clock, on Monday, the 23d of May. The convention was organized by the election of Chief Justice Bliss, chairman; and B. M. Smith, secretary. The roll being called every assembly district in the territory was found to be represented.

The following resolutions were then presented:

Whereas, A presidential election is approaching and the loyal citizens throughout the country are organizing for the purpose of preventing the Government from falling into the hands of sympathizers with rebels; and,

Whereas, The people of Dakota, who desire the success of the union party, and wish the restoration of our Government to its former greatness and dignity, while they have no voice in the election of a president, should act in harmony with the national union party, therefore, be it

Resolved, That the present rebellion is putting to the test the experiment of a republican form of government; and that our armies must prevail on our free institutions remain, and therefore, while we are struggling for our national existence, we should lay aside all party ties, persons, and all minor questions, and never for a moment entertain thoughts of concession to traitors.

Resolved, That every state now in rebellion should be brought back and made to recognize the supremacy of the national Constitution.

Resolved, That slavery was directly or indirectly the cause of the present rebellion, and therefore to guard against a second occurrence of the crime, it should be blotted out, and the Constitution so amended as not to tolerate it within the boundaries of the United States.

Resolved, That the barbarous massacre of our soldiers by the rebels, at the capture of Fort Pillow, and at various other places, calls for the severest retaliation.

Resolved, That we cordially approve of the policy pursued by Abraham Lincoln, as chief magistrate of the nation, deeming his administration thus far, as characterized by wisdom, integrity, and unselfish devotion to our common country.

Resolved, That in our Indian relations, we demand prompt punishment for all Indian aggressions, and at the same time the most scrupulous good faith in our treatment of them, conceding that all men have rights which we are bound to respect.

Resolved, That we are opposed to the disfranchisement of our citizen soldiers, however remote they may be, and any attempt to deprive them of their just rights will meet with our earnest protest.

Resolved, That while we shall act in concert with the union party throughout the country, we are not unmindful of our duty at home, and we will at all times oppose and condemn the repeated outrages upon the elective franchise—that sacred privilege of an American citizen—so often practiced by corrupt politicians in this territory, and we pledge ourselves to protect the purity of the ballot box against a repetition of the ballot box stuffing and fraudulent voting, which have so disgraced our territory.

Resolved, That we cordially and earnestly invite all classes of our citizens throughout this territory, without regard to past political party preferences, to join with us for the purpose of promoting the sentiments expressed in these resolutions, also for the purpose of more thoroughly organizing the union party of Dakota, and as such, to cooperate with the national union party of our common country.

The resolutions were unanimously adopted, and declared to be the platform of the union party of Dakota Territory.

On motion, Attorney General William E. Gleason was elected delegate to the Baltimore convention, and Judge L. P. Williston as substitute. Judge P. Bliss was elected chairman of the territorial central committee. The convention then, on motion, adjourned in peace and harmony.

B. M. SMITH, Secretary.

P. BLISS, Chairman.

The purpose of the union party organization was to place in the field a republican candidate for delegate to Congress, in opposition to Candidate Burleigh, the nominee of the republican and union party. This movement discloses the fact that the federal officials of the territory were seriously divided, each faction striving for such recognition by the administration at Washington, as would give them control of the political patronage of the territory and put the seal of approval on their party legitimacy. It was one of those factional differences that were a feature of the political machinery of all the territories, and have become very much in vogue in many of the states.

Doctor Burleigh was by far the strongest personality in either faction and had numerous influential friends at Washington. Chief Justice Bliss was effectually supported by Hon. Salmon P. Chase, secretary of the treasury, afterwards chief justice of the United States; Secretary Hutchinson had been appointed on the recommendation of Hon. Wm. H. Seward, secretary of state; Attorney General Gleason was backed by Sen. Henry Winter Davis, of Maryland, himself a powerful leader of a faction in the national party considered ultra radical.

While the Burleigh faction had the regular republican organization, the recalcitrants and new party men who were federal office holders, owing to their strong political backing, were in little danger of being ousted from their positions through the influence of the regulars. Whenever the Washington authorities referred to Dakota politics, they were accustomed to end the discussion with the comment that "one faction was just as bad as the other." This union party, however, did not progress to the point of holding a nominating convention, their plans having been frustrated completely by the unexpected candidacy of General Todd.

We now come to the final chapter of the proceedings of this factional contest. Yesterday the members of each faction were bitterly denouncing one another as political fiends incarnate; today they are greeting each other as old friends do when meeting after a long separation, with hearty handshakes and other evidences of cordial friendship. The supposedly impossible has come to

pass, and the factions have disappeared—they are now united and invincible. This sudden and harmonious blending of these hitherto hostile elements was not occasioned by any proposal for peace from either faction, but was the effect of General Todd's announcement that he would be again a candidate, he having in the meantime been given the seat in Congress occupied by Governor Jayne. Soon after this declaration had been made public, the citizens of the territory were treated to a surprise in the form of the subjoined call for a new republican territorial mass convention:

TERRITORIAL MASS CONVENTION

Whereas, Differences have arisen among the friends of the administration in the Territory of Dakota; therefore the undersigned members of the central committees of the parties known as "the republican and union party" and the "union party" of said territory, with the view of adjusting these differences and more thoroughly organizing a union party in this territory, do cordially invite all those who are in favor of a vigorous prosecution of the war until the roar of rebel artillery is forever silenced and the supremacy of the Constitution and Government of the United States is established in every state and territory thereof, and who are in favor of an amendment to the Constitution of the United States blotting out slavery—the cause of the rebellion—to assemble in mass convention at Vermillion on the 10th day of September, 1864, at 12 o'clock M., and unite in an unbroken political column, thereby forming a national union party in the Territory of Dakota. It is sincerely and earnestly hoped that all loyal and patriotic citizens of this territory will heartily unite in supporting those great principles for which our Government is contending, and in burying at once and forever those differences which have been so detrimental to the Union cause in Dakota.

J. R. HANSON,
Chairman of the Central Committee of the Republican and Union Party of the Territory of Dakota.

P. BLISS,
Chairman of the Central Committee of the Union Party of the Territory of Dakota.

This call was responded to by a numerous gathering at Vermillion on the date announced, when the following proceedings were had:

Vermillion, Dakota Territory, September 10th, 1864.

Agreeably to published call, members of the "republican union party" and of the "union party" of the Territory of Dakota, assembled in mass convention at Vermillion, Dakota Territory, on the 10th of September, 1864, for the purpose of amicably adjusting past differences of opinion and forming a national union party within the territory.

At 2:30 o'clock P. M., the convention was called to order by J. R. Hanson, when on motion of George M. Pinney, Maj. St. A. D. Balcombe, of Buffalo County (United States Indian agent at Fort Thompson), was chosen permanent chairman, and Messrs. A. W. Puett and J. R. Hanson were chosen secretaries.

Mr. Pinney then offered the name of Samuel Grant, of Bon Homme County, for territorial auditor in place of Charles LaBreche, who had declined the nomination of the first convention, and Mr. Grant was unanimously nominated.

A committee of one from each county was then, on motion, appointed to draft a platform and party name, to wit: Yankton County, George M. Pinney; Union County, J. W. Seward; Clay County, Hans Gunderson; Bon Homme County, Laban H. Litchfield; Buffalo County, E. J. Dewitt; Charles Mix County, Charles E. Hedges. After a brief session the committee reported the platform adopted by the republican and union convention, omitting all reference to the factional differences that had divided the party, and adopting for the name of the united organization, the "national union party of Dakota," "national union" being the title adopted at the Baltimore convention that renominated Abraham Lincoln, and nominated Andrew Johnson for vice president. The platform was adopted. The following resolutions were then presented and adopted:

That the nomination of Hon. Walter A. Burleigh, as candidate for the office of delegate to the Forty-ninth Congress of the United States, and the nomination of L. F. Gots, Esq., as candidate for the office of territorial treasurer, made on the 27th day of July, 1864, are hereby approved and declared to be the unanimous nominees of this convention. Dr. Abram Van Osdel, of Yankton County, then introduced the following resolution, which was adopted:

Resolved, That the thanks of this convention are justly due to Hon. Platenon Bliss, chief justice of the territory, for the able and impartial manner in which he has discharged the duties of his office, and for his earnest and efficient efforts in advancing the Union cause in this territory, and that we cheerfully and heartily commend him to our Union friends in Missouri, where he will be engaged during this presidential campaign, in behalf of the cause of our common country, as an upright, consistent republican and patriot, one who will be honored where he is known for the purity of his principles and character.

On motion, the following named persons were then selected to form a territorial central committee: Yankton County, J. R. Hanson, chairman; A. Van Osdel; Clay County, Ole Bottolfson, H. C. Buckley; Union County, D. Ross, Captain LeGro; Bon Homme County, C. Wood, L. H. Litchfield; Buffalo County, St. A. D. Balcombe, F. J. Dewitt; Charles Mix County, J. V. Hamilton; Todd County, Joel A. Potter.

The convention was then addressed by Hon. Walter A. Burleigh.

The following letter was then read, and on motion of Mr. Pinney, ordered spread on the minutes of the convention:

Gentlemen: Urgent business prevents me from being with you upon this commendable occasion of the reunion of the republicans of Dakota. Having participated in a slight degree in the dissensions of our party, it may not be out of place to give my hearty affirmation of the course now taken. This I most cheerfully do, and hope that henceforward the onward march of the united national union party of Dakota may be one of triumph, guided by integrity and wisdom. The past has surely vindicated this truth, that in union is there strength and victory, and only by many sacrifices of feeling and forbearance, can we hope to perpetuate a united party, and thus contribute towards strengthening and sustaining the million loyal hearts—men now periling their lives for the preservation of our national Government.

G. W. KINGSBURY.

On motion, the convention then adjourned.

St. A. D. BALCOMBE, Chairman.

A. W. PUETT and J. R. HANSON, Secretaries.

Maj. St. A. D. Balcombe, who was chairman of this convention, was the United States Indian agent at the Winnebago Agency at Crow Creek; he was appointed from Minnesota, and had been a member of the constitutional convention of that state representing in part the district of which southern portion of Dakota Territory formed a part. He left Dakota a year or two later, removed to Omaha, where he established the Omaha Republican.

Chief Justice Bliss, who had retired from the field as a congressional aspirant, and was a party to the amicable arrangement which united the republicans of Dakota, had already arranged to leave the territory and resign his judgeship. He left Yankton August 10th, on the Steamer Tempest, accompanied by Mrs. Bliss and a daughter, for St. Joseph, Missouri, where he intended to take up editorial work on one of the daily papers of that city. He never returned to Dakota, but remained in Missouri, became somewhat prominent as a lawyer and was a candidate, a few years later, for supreme judge, on the republican ticket, and was unsuccessful. He died at St. Joseph.

General Todd, having concluded to be a candidate, had no difficulty in rallying a numerous body of his old friends to his support, though there was considerable disappointment felt by many of them, that he had not pursued such a course as would have continued the factional division in the republican ranks. It was a presidential year, however, and the democrats were sanguine that McClellan would be elected, in which event General Todd, even if defeated in the race for delegate, would be in a position of influence at Washington, and the roster of Dakota officials would be changed. This argument was unanswerable, and led to the calling of a people's convention, without much formality. It was called by a committee of the general's friends, and was attended by representatives from all the organized counties, to-wit: Union, Clay, Yankton, Bon Homme, Charles Mix and Todd. After the convention, the following brief announcement was gleaned from the Vermillion Republican:

The territorial people's union convention met at Vermillion on Saturday, September 3, 1864, and placed in nomination Gen. J. B. S. Todd as a candidate for delegate to Congress.

This convention was only briefly referred to by the two newspapers published in the territory—the *Dakotian* at Yankton and the *Republican* at Vermillion. The proceedings or the names of the delegates were not given. The people's or democratic party had no representative newspaper in the territory during the '60s and the proceedings of their conventions sometimes failed of publication in the opposition press, owing at times to the difficulty of securing such proceedings; but generally due to the peculiar complexion given to political matters by the armed conflict then raging between the Government and the seceded states.

forbidding in great measure any desire for courtesies on the part of the members of either political party, especially as the issue in the nation at large was no less momentous than was announced in the platforms of the opposing national parties, substantially as follows: By the republicans or unconditional union party—"For a vigorous prosecution of the war until the rebels lay down their arms and return to their allegiance to the Government." And by the democrats, who likewise declared for the Union, but also declared substantially, "That the war for the preservation of the Union is a failure." Which was regarded as equivalent to an announcement that the democratic party, if successful, would stop the war so far as the Government had the power to stop it, and enter upon negotiations with the rebellious people for peace by concessions that would give to the insurgents ample justification for their armed efforts to destroy the Union. To what extent a policy of this kind was intended by the democratic leaders was never known, as Mr. Lincoln was re-elected; a result loudly regretted by the leaders of the Southern Confederacy, and their northern sympathizers.

The campaign following in the territory was brief and energetic. There was general confidence in Burleigh's success, now that he had the united support of his party; notwithstanding that gentleman and his supporters insisted upon a liberal canvass of the territory as a courtesy due the voters and to enable many stump orators to become acquainted with the people whose suffrages they might have occasion to solicit in the future.

The people's party also made an energetic campaign, led by General Todd, aided by M. K. Armstrong, of Yankton; Hon. John H. Shober, of Bon Homme; Hon. J. W. Turner, of Clay; Austin Cole, of Union; and Maj. W. P. Lyman, of Yankton.

It may not be amiss, by way of explanation, at this day remote from the time of the Burleigh and Bliss compromise, to state that the ending of the rupture between the republican factions was due to the unexpected position taken by General Todd and his supporters. It had been understood that the democratic or people's party would make no nomination, leaving the democratic voter free to support Judge Bliss because of his position in the Jayne-Todd contest. There was no formal agreement to this effect simply a strongly implied understanding and sufficient to encourage Bliss's friends to organize as has been seen.

This organization of the Bliss wing was afterwards thought to have been premature, and an unwise political move, for it conveyed to the democratic mind evidence that the republicans were hopelessly divided, and could not unite, hence an excellent guarantee that a democrat would win. The organization by the friends of Bliss would have been longer delayed but for the supposed importance of electing a delegate to the national convention, which was to give the Bliss faction standing in the national party. Judge Bliss was keenly disappointed when he was compelled, finally, to acknowledge that he could expect no support from the Todd party, for it was apparent that at least two-thirds of the republicans were supporting Burleigh. Bliss's republican friends were no less disappointed and chagrined at what they declared to be the insincerity and ingratitude of the democrats. This feeling of disappointment coupled with an ingredient of wrath and revenge, led the way to a harmonious patching up of the difficulties in the republican party.

Judge Bliss was not satisfied with his judicial position in the territory, and but for the inducement of a seat in Congress, he would have returned East at an earlier day and given up his judgeship. This factional compromise made a consolidation of the newspapers, *The Dakotian* and the *Dakota Union*, necessary. The *Dakota Union* ceased until after the election, the *Dakotian* continuing under Mr. Gore's management until that event, which occurred in October, soon after which the consolidated *Union* and *Dakotian* appeared with Mr. M. K. Armstrong as editor, and Mr. G. W. Kingsbury as publisher.

The election came off on Monday, October 11th, and resulted in the election of Doctor Burleigh and the republican legislative ticket by a fair majority. The

tor Burleigh receiving 386 votes, and General Todd 222, out of a total of 608 votes cast and canvassed for delegate.

After the vote had been canvassed, and Burleigh declared elected, General Todd served notice upon the successful candidate that he would contest his right to the seat on the grounds

First. That Burleigh was not a resident of the territory.

Second. That the votes cast on the Indian reservations were illegal.

Third. That the election was characterized by bribery and fraud.

Fourth. That the Board of Canvassers proceeded to canvass the votes from the different precincts before they were all in, and that the secretary of the territory did not send for other returns as the law requires; that the Fort Laramie votes were not counted and that Mr. Todd received 107 votes there; that there were illegal votes cast, and that adding the Fort Laramie vote to Todd's and deducting the illegal votes from Burleigh, it would leave him, Todd, with a majority of the votes cast.

The Jayne and Todd contest, revealing so much disregard of law in conducting Dakota elections, and the factional differences in the republican party of the territory which were very obnoxious to the republicans in Congress and the President and his advisors, had awakened a resentful feeling among congressmen and others, and there were intimations given of a move to annex Dakota to Nebraska and repeal the Organic Act. This suggestion was as unpopular among the democrats of the territory as among those of the other party. Todd's contest, therefore, even if based upon tenable grounds, was disapproved in Dakota because of the fear that it would arouse such an antagonism in Congress that the threat of disorganizing would be attempted, at least, which would prove very detrimental to immigration and practically destroy the credit of the territory. While it was apparent that Burleigh would in all probability be able to retain his seat, the sentiment of the people apprehended that Congress might conclude to repeal the Organic Act rather than be annoyed with the factional and sectional quarrels of the handful of people in the territory which at this time was looked upon by the great majority of congressmen as an experiment station in the great American desert, and its value as an agricultural region was regarded with many misgivings.

This matter of contest was made the subject of non-partisan investigation by the Legislature of 1864-5, following the election, and the result was the adoption of a joint resolution declaring that Todd had begun the contest without the "slightest grounds for so doing." The resolution recited the facts that the election was openly and fairly conducted; that no precinct was established at Fort Laramie and no returns of any election there had been received by the board of canvassers; and also that an election had been held at St. Joseph and Pembina on the Red River and 135 votes cast for Burleigh, which were not counted by the board, no precincts having been established there. That Burleigh was an actual resident of Bon Homme County, where his family resided in a very comfortable home.

A minority report was submitted, or rather a substitute resolution was offered by the minority, which conceded the fairness of the election and the regularity of the canvass; that no just grounds of contest appeared, and substantially disapproving of further proceedings in the contest.

The majority report was adopted by a vote of eleven to two, in the council, and twenty-one to five in the House. This legislative action may not have dissuaded the contestant from further prosecuting his case, but there were no further steps taken by him in contest proceedings. It was understood, however, that General Todd and Major Burleigh had held a council of amity where it was arranged that Burleigh would not endeavor to prejudice the interests of Frost, Todd & Co., in their disputed townsite and land cases then pending before the department of the interior, and the general would desist from further hostilities.

Regarding the matter of residence, the two candidates occupied similar positions. Mr. Burleigh, in the eyes of the law, resided on the Yankton Indian Reservation, as the United States agent of that Indian tribe; and General Todd, with

his family, had from the time he entered civil life, resided at Fort Randall on the United States Military Reservation, and he had his residence there at this time. Neither party may have never gained a residence in the territory, under a strict construction of the law; but it was not definitely settled that a delegate in Congress must be a resident of the territory. The decision in the Minnesota case, after that state was admitted, rather favored the claim that a non-resident could be elected and would be awarded the seat.

The national convention of the democratic party was held in Chicago, August 27, 1864, when Gen. Geo. B. McClellan, of Illinois, was nominated for President, and Hon. Isaac Pendleton, of Indiana, for vice president. The delegates from Dakota were John H. Shober, of Bon Homme County, and Hon. James McHenry, of Clay County.

The national convention of the national union party was held in Baltimore, Maryland, June 25, 1864, and nominated Abraham Lincoln for President, and Andrew Johnson for vice president. George M. Pinney and William E. Gleason represented the Territory of Dakota; the former from the Burleigh wing and the latter from the Bliss pinion.

CHAPTER XXXV

THE FOURTH SESSION OF THE LEGISLATURE

1864-65

ITS MEMBERSHIP—SKETCH OF NEW MEMBERS—A HARMONIOUS SESSION—THE GOVERNOR'S MESSAGE—REPORT OF THE TERRITORIAL SUPERINTENDENT OF SCHOOLS—TERRITORIAL AUDITOR'S REPORT, INCLUDING REPORT OF THE COMMISSIONER TO AUDIT THE MILITIA ACCOUNTS—GENERAL TODD'S GROUNDS OF CONTEST.

The fourth session of the Legislative Assembly of Dakota Territory convened at the capitol building in Yankton, on Monday, December 5, 1864. The council was composed of the same members that constituted the Council of 1863, namely:

Union County—John Mathers, M. M. Rich and J. O. Taylor; Clay County—Franklin Taylor, Lasse Bothun and F. W. Thompson; Yankton County—Enos Stutsman, James M. Stone and George W. Kingsbury; Bon Homme County—Daniel P. Bradford; Charles Mix County—John J. Thompson; Todd and Gregory counties—J. Shaw Gregory.

Mr. Kingsbury called the council to order, and nominated Hon. J. Shaw Gregory for temporary president, who was duly elected and took the chair. The president then called the roll of members, which was responded to by the councilmen as above given. Mr. Kingsbury was then elected temporary secretary. And the council proceeded and permanently organized by electing the following officers: President of the council, Enos Stutsman, Yankton County; secretary of the council, George N. Propper, Yankton County; assistant secretary, James B. Gayton, Todd County; sergeant-at-arms, Carlos Kingsley, Union County; messenger, Mons Bothun, Clay County; fireman, William H. Werdebaugh, Yankton County; chaplain, Rev. L. P. Judson, Bon Homme County.

The house was composed of new members elected at the general election held October 11, 1864, namely: Union County—Peter Lemouges, Geo. W. Kellog, Archibald Christy, George Stickney, Helge Mathews; Clay County—William Shriner, G. W. Pratt, J. P. Burgman, B. M. Collar, J. W. Turner, Knut Weeks; Yankton County—W. W. Brookings, John Lawrence, Washington Reed, J. R. Hanson, M. M. Mathieson; Bon Homme County—John W. Owens, John Rouse; Todd County—Francis McCarthy, Peter Kegan; Charles Mix County—E. W. Wall, Felicia Fallas. W. W. Brookings was elected speaker; Geo. I. Foster, of Yankton, chief clerk; Leonidas Congleton, of Yankton, assistant clerk; R. P. Raimie, of Union, sergeant-at-arms; Erick Nelson, of Clay, messenger; Peter Nelson, of Clay, fireman; Rev. Melancthon Hoyt, chaplain.

There were two seats held by Clay County members that were contested. Halver Burgess was contestant for the seat of J. W. Turner, and Aaron Carpenter gave notice through Mr. Shriner that he would contest the seat of Knut Weeks; also through Mr. Stickney, of Union, E. M. Bond gave notice that he would contest the election of Knut Weeks.

GOVERNOR'S MESSAGE

On the third day of the session the annual message of the governor was received by the two houses in joint convention, and read, as follows:

To the Honorable the Council and House of Representatives:

Gentlemen—Since the assembling of the last Legislature, a year ago today, important events in our country's history have been of almost daily occurrence; among the most noteworthy of which is the rapid progress which has been made toward the suppression of the most gigantic rebellion which the world ever saw, and I think we may now confidently anticipate that the end will soon come.

Our first duty is to return thanks to the Great Ruler of the Universe for the preservation of our lives and health; for the return of seed-time and harvest in their due season.

* * *

Progress of the Indian War—Since the breaking out of the Indian war in Minnesota, two years ago last August, but little progress has, in my opinion, been made towards its extinguishment. I believe this fact to be owing to the extent of the country over which these hostile Indians roam, rather than a want of appreciation on the part of the officers placed in charge of the various expeditions, of the magnitude and extent of the difficulties to be overcome in order to so punish the Indians as to bring about a speedy and permanent peace.

Of the three campaigns made against these hostile Indians, one under General Sibley, of Minnesota, in 1863, and two under General Sully, starting from Sioux City, Iowa, one in 1863, and one in 1864, I am fully convinced that little if anything has been accomplished towards the subjugation of them. These expeditions have been immensely expensive to the Government, and ought, in my opinion, to have brought about more decided results. I am not prepared to say why they were failures; I leave this subject to the war department where it properly belongs.

The effect of the continuance of this war upon the prosperity of this territory has been most damaging and deleterious. It has retarded its settlement and development to an extent unprecedented in the history of the early settlements of any of our Northwestern territories. It has confined our settlers to narrow limits bordering the Missouri River; and those of necessity have had to confine their operations, for mutual safety and protection, to little towns at intervals of a few miles, in order to retain possession of the country, it not being safe at any time for the past two years to reside at a distance from the towns by reason of the prevalence of roving bands of hostile Indians, who seem ever present and ready to steal the horses and stock of our settlers, and kill the owners in cases where resistance is made. Our various settlements can but be looked upon as a picket guard to hold this country until such time as peace can be restored between the Government and these Indians. I believe that a chain of small military posts crossing the country from Lake Shetek, in the State of Minnesota, intersecting the Missouri River at or near the Crow Creek Agency, located at such convenient distances as to enable the country to be daily patrolled between these posts, will not only afford ample and perfect protection to our settlers, but is all that is required to bring about a speedy and permanent peace; provided, disloyal and unscrupulous men are barred from visiting these Indians, and carrying into their country whiskey, powder and lead, and all articles made contraband by the laws of Congress. Five hundred cavalry, properly distributed at the various posts indicated, under command of officers who are desirous of protecting the settlements, I believe to be sufficient to afford perfect protection.

Should this course be adopted by the War Department, and be found to answer the purpose, the immense expense attending the sending of the large expeditions into the hostile country may in the future be avoided. At any rate there seems to me to be propriety in making a change of some kind, by which we may, if possible, avoid taxing the government with another of these unwieldy and immensely expensive expeditions with no adequate results towards bringing about a peace, judging by the past. I would therefore recommend that you memorialize the secretary of war, urging upon him the importance of the early establishment of the chain of military posts indicated.

Route to the Gold Mines. In my last annual message I took occasion to call the attention of the Legislature to the importance of securing a route to the gold mines of Idaho through the settled or southeastern portion of this territory. The importance of opening such a route has not in any way diminished since that time. On the contrary the organization of the new Territory of Montana and the new discoveries of rich deposits of the precious metals in the vicinity of the eastern base of the Rocky Mountains clearly indicate the importance and point to the necessity of the speedy opening of the route indicated. The last session of Congress, foreseeing the importance of this route, from a desire to promote and foster the development of this section of the country, appropriated \$200,000 towards the opening of the route indicated, to be expended under direction of the war department. Unfortunately for the interests of this section of the country, the expenditure of this sum was committed to Major Maynadier, who from some cause, best known to himself, after entering upon the discharge of his important trust and expending a portion

of the appropriation perhaps all of it did not even get onto the ground or commence the examination of the route. It is unfortunate that the war department could not have better consulted the interests not only of our citizens, but also the citizens of Montana, in the selection of an officer to expend this appropriation who, either from motives of pride or a sense of duty, would at least have got onto the route and given the eastern portion of it, for 150 or 200 miles at any rate, a personal examination, which could have been done without any risk to that officer, even though he had been entirely unattended by a personal guard; the contemplated route for this distance passing through a section of country having been infested by hostile Indians the past two years. The first 200 miles of this route contemplated by Congress could have been pretty thoroughly examined and reported upon at an expenditure of \$1,000, and in my opinion had a fair comparison been made in the report between this route and the route known as the Captain Fisk route, which passed through Central Dakota, the result would have been the abandonment by Congress of the Central or Fisk route, and the placing of all future appropriations on the Southern Dakota or Niobrara route. Indeed, it is not improbable that this may be the case, upon the report of Brigadier General Sully, who was specially instructed by the war department to report upon the practicability of the Central Dakota route, and who, I am informed, reports the route entirely impracticable.

The influence which the early opening of this route through Southern Dakota to the gold fields of Montana and Idaho, and the securing of the immense through travel (the large portion of which now passes up the Platte River, through our neighboring Territory of Nebraska) on it, by reason of the distance saved and its proximity to abundance of good wood and water, towards securing the location of the northern branch of the Pacific Railroad, cannot be overestimated by our people. Indeed, I believe it to be the first and most important step to be taken in securing this first very important branch road to our territory. I would therefore recommend that you early memorialize Congress on this subject, with a view to securing a liberal appropriation to aid in opening this important line of wagon road, via Niobrara or Fort Randall, and the foot of the Black Hills, to Montana and Idaho.

Black Hills.—It is believed by persons familiar with the country in the vicinity of the Black Hills that the country abounds not only with the precious metals (gold and silver), but that copper, iron and coal exist to an unlimited extent. Indeed, rich specimens of iron and copper have been brought into the settlement by friendly Indians from this section of the country, and the bed of the Niobrara River abounds with specimens of stone coal. It is believed that a thorough geological survey of that portion of our territory will establish the existence of large and rich deposits of the minerals above named, and not only this, but that this section of the country is capable of supplying for all time to come, not only our own settlers, but all Northwest Iowa, with all the pine lumber needed for the future development and improvement of the country. This fact is abundantly established by explorations already made.

Appropriation for Military Road.—Congress at its last session generously appropriated \$15,000 toward the opening of a military road from Sioux City, Iowa, to Fort Randall. It is believed that this sum, if properly expended, at such points along the line of road as most need improvement, will be sufficient to open a road which may be traveled at all times of year with facility, and will not only vastly aid the Government in its military operations, but will also be a permanent benefit to our citizens, and inasmuch as the appropriation is placed at the disposal of Capt. S. Bagg, chief quartermaster of this military district, who is familiar with the country over which this road passes, I have thought it would not be improper for the Legislature to suggest to Captain Bagg the improvement of such points along the line as may be deemed of most importance and likely to secure to the people a good thoroughfare at all seasons of the year.

Taxes.—I wish especially to call your attention to the very lax manner in which, in many cases, the various county officers in the territory have discharged their public duties. The first Legislature passed a law creating certain county offices and defining their powers and duties, and it was undoubtedly the design of that Legislature that the persons appointed by the governor, as well as those subsequently elected to fill these various offices, should faithfully discharge their duties during the time for which they were appointed or elected. This in very many instances has not been done, and our citizens have been subjected to great inconvenience on this account, and in some instances these officers have entirely neglected their duties. I attribute much of this negligence to the fact that no means have as yet been provided by the different organized counties to pay current expenses, and the feeling on the part of some of the officers that it would be long before they would be paid for their services, that they would not devote the necessary time to discharge their public duties. The consequence has been that in many instances the people have been unable to get these officers to act. I submit to you whether it would not be well, in view of the embarrassments which have heretofore been experienced on this account, to pass a law compelling not only the discharge of official duties by all civil officers in the territory, but also providing by law for the levy and collection of a sufficient tax to meet these necessary expenses at the time they are incurred. The day cannot now be far distant when all the county offices will not only be self-sustaining, but will be sought for with avidity by our citizens for the emoluments there are in them. It seems to me that the time has now arrived when we should take

steps to perfect and put in running order our internal machinery, even though to do so we have to submit to be lightly taxed for that purpose. The burdens of government have thus far fallen lightly upon us as a people and it appears to me that we can now afford to come forward and assume our share of the necessary burdens, for the sake of the satisfaction of feeling that we are paying our way as we go. I feel confident our citizens are not only willing, but desirous, that all who labor for the public weal should be remunerated for the time necessarily devoted to the discharge of their public duties.

During the year last past important acquisitions have been made to the territory by the arrival and permanent settlement of an intelligent, industrious and hardy population from the eastern and middle states, and the rapid improvement made in the settled portions of the territory gives us a sure indication that we have not only passed the crisis in our territorial affairs, but that from now on our march will be onward and upward in the acquisition of population, wealth and improvement, until ere long we shall be knocking at the door of the Union, fully prepared to take our place in the line of loyal and free states so rapidly being formed under the auspices of our beneficent, liberal and enlightened general Government. Should peace and confidence soon be reestablished between the Government and our red brethren, we may, I think, confidently anticipate such an influx of immigration at no distant day as to forever set at rest all apprehensions of a renewal of hostilities on the part of our red neighbors—a result most ardently desired by all who are permanent settlers in Dakota.

It would appear from examination of the laws, passed at first session of the Legislature, chapter 9, section 164, that that Legislature contemplated calling to its assistance the judges of the Supreme and District courts of the territory, for the purpose of securing their aid in harmonizing disagreeing provisions of the statutes. I believe this to be not only a good but a very wise provision, though the judges heretofore have not seen fit to present their views to the Legislature on this very important subject. I have no doubt that, should you desire it, the services of the only judge we have in the territory can be secured to aid in perfecting and harmonizing existing laws.

Education.—The last Legislature enacted a school law, which is believed to be ample in its provisions to put into operation in every neighborhood in our territory, a good common school, if its provisions are complied with in every particular by the people. Within the past year many new schools have been opened, and there is every indication that the subject of education is receiving that attention from our citizens that is deemed necessary from its primary importance. The services of a very able superintendent of public instruction have been secured, in the person of James S. Foster, who has had much experience in teaching in Central New York, and it is hoped that our various county superintendents will heartily cooperate with him in perfecting and putting into operation our common school system.

Conclusion.—I have endeavored, as is my duty, to call your attention to the consideration of such matters as are deemed of the first importance, with a view of aiding you, so far as in my power, in the discharge of your public duties. I deem it to be my duty to urge upon your consideration the importance of exercising the most rigid economy in the expenditure of public funds over which you have control, believing it to be a duty we all owe, as good and loyal citizens, to the general Government, when we call to mind the struggle in which it has been engaged for the past four years against traitors, for its overthrow, to economize in every possible manner, that it may be the better able to maintain itself against the insidious efforts of these traitors.

I assure you I shall at all times take pleasure in furnishing you all the information within my reach that will in any way aid you in the discharge of your onerous and laborious duties.

NEWTON EDMUNDS.

The session was quiet, orderly and very harmonious. There did not seem to be the least disturbing factor, although there was a memorial and resolution passed endorsing the election of Walter A. Burleigh as delegate in 1864, notice of a contest for his seat having been given him by his unsuccessful opponent, General Todd.

The principal ground upon which General Todd based his contest was that Mr. Burleigh was not a resident of the territory, and was required by law to reside upon his agency, hence under the Organic Act could not have gained a residence in the territory, a point that was decided in the contest of Jayne vs. Todd two years before, and had the present Congress held to that position, Todd's chances for winning seemed to have the backing of a precedent. Notwithstanding this there was an almost unanimous sentiment among the voters, of opposition to a contest, which was shared very largely by Todd's political friends and which was occasioned by the series of unfortunate events that had marked the career of the territory from its organization and which had given to Dakota an unsavory reputation abroad, and prominent among these misfortunes was the scandalous

features of the election in 1862; the Indian troubles, the drouth and the grass-hopper plague. It was this sentiment, coupled with a general confidence in Burleigh's ability and his popularity, that induced the general to waive his claim.

A number of new members appear in the list of representatives at this session, some of whom were destined to become conspicuous figures in the field of territorial politics for several years to come. These were George Stickney and Geo. W. Kellogg, of Union; John W. Turner, of Clay; John Lawrence, of Yankton. Speaker Brookings was the influential character in the House, and his influence, with that of President Stutsman, of the council, controlled the legislation, and the wishes and desires of these leaders with Governor Edmunds, were substantially reflected in the work accomplished.

Hon. John W. Turner, a staunch democrat, was a man verging upon three score and ten at the time. He had been active in political affairs in Michigan, to which state he removed from New York, coming from the democracy of the Wolverine State to Dakota. He was a good speaker, very courteous and always self possessed, a man of good information. He was a millwright and a farmer. He followed up the valley of the Vermillion and became the pioneer settler of Turner County, which was named for him. He was popular with the members of both political parties and also with the people.

Mr. George Stickney, of Union County, became very prominent at home as a leader in public affairs of a local character. He was for a great many years one of the prominent representative men from Union County in the halls of legislation and at the territorial conventions. By profession a lawyer, he practiced occasionally, but gave most of his attention to politics and to the fine farm which he owned near Elk Point. He was a good speaker. He was classed as a democrat, but did not always work in harmony with that party. He was appointed receiver of the United States land office at Vermillion by President Johnson, and served four years.

The work of the Legislature at this session was all well digested. The penal code underwent a thorough revision under the supervision of Chief Justice Ara Bartlett, Hon. Enos Stutsman, president of the council, and Hon. W. W. Brookings, speaker of the House. As a rule the new legislation was directed to curing defects in existing laws. Territorial roads received a great deal of merited attention. The memorials and petitions to Congress were all of a good class, designed to promote the development of the territory and the best interests of its inhabitants, such as mail routes; wagon roads; the construction of bridges; a geological survey; and praying for an amendment to the Union Pacific Railway law that would require the northern branch to be built up the Missouri Valley and out on the Niobrara route, crossing the Missouri at or near the old Town of Niobrara.

In general the proceedings of the Legislature were marked by a sincere desire to promote the general welfare, and the social relations of the members were most cordial. It was a session remarkable for the absence of all partisanship and conspicuous for the general harmony and good feeling that prevailed. When final adjournment came the members separated with good wishes for each other, much as brothers would express when leaving home for different destinations.

REPORT OF TERRITORIAL SCHOOL SUPERINTENDENT

A law creating the office of territorial superintendent of public instruction was enacted at the third session, and Governor Edmunds had appointed James S. Foster, the leader of the New York colony, to that position, more as a matter of recognition of that gentleman's good qualities as an educator, than because of any necessity existing for such an official. Mr. Foster, however, made good use of the office by collecting statistics and information which enabled him to make some important recommendations to the Legislative Assembly regarding the school district system. There were no organized school districts in the territory up to December, 1864, when the Legislature convened for the fourth session. Four

counties had elected county superintendents at the general election held October 11, 1864. These were Union County; Sidney Goucher, Brule Creek; Clay, J. W. Boyle, Vermillion; Yankton, Enos Stutsman, Yankton; Bon Homme, James Dickey, Bon Homme. None of these officers made reports. They could only report that they had nothing to report, unless it would be with regard to private schools. Through personal interviews and by letter Mr. Foster ascertained that there were about six hundred school children in the territory of the age required by law, which at that time fixed the age of pupils at four years and up to twenty-one. Neighborhood schools had been kept irregularly in Union, Clay, Yankton, Bon Homme and Todd counties, and school privileges had been extended to about three hundred pupils. There had been no school tax laid and no school moneys of any kind collected. A per capita tax of \$1 had been authorized by the school law of '63-4, but no attempt had been made to collect it, and the fines imposed for illegal sale of intoxicating liquors were not collected by the prosecuting officers of the various counties. From these two sources Mr. Foster states that a very respectable fund could be realized and the system of common schools set in motion. Mr. Foster makes some comments and recommendation regarding text books. With a very able and timely presentation of the subject of schools as bearing upon the question of immigration to the territory, he concludes the first report of the territorial superintendent of public instructions for Dakota Territory which is here given:

To the Territorial Board of Education:

In compliance with the requirements of section 3 of the school law of this territory, the superintendent of schools would respectfully submit his annual report:

Section 3 of the school law passed at the last session of the Legislature makes it the duty of the superintendent of public instruction to make a report of his official doings for the preceding year to the board of education at their annual meeting, to give a statement of the condition of the common schools of the territory, of the expenditure of school money therein, and such suggestions for improving their organization and modes of instruction, together with such other information with regard to the systems of schools in other states and countries as he shall deem proper.

Since my appointment as clerk of the board of education in August last, nothing has been attempted to be done in the way of organizing the public schools of the territory. I have, therefore, no "official doings" to report.

I have to offer, as an excuse for my seeming want of interest in the cause of education, that I had no official assistants, and deemed it proper to wait until the office of county superintendent in the several counties was filled, which it was hoped would be done at the general election held on the 11th of October. At that election the following counties elected superintendents of schools, viz.: Union County, Sidney Goucher, Brule Creek; Clay County, John W. Boyle, Vermillion; Enos Stutsman, Yankton County; James Dickey, Bon Homme.

These officers were elected for the school year commencing November 1, 1864, and ending October 31, 1865. I have received no reports from county superintendents, for the reason, I presume, that there are no organized school districts in the territory. I have no statistics, therefore, to show the number of children in the territory between the ages of four and twenty-one. But on careful inquiry I am confident that there are over six hundred children claiming the privileges of school at this time, and it is but reasonable to expect this number to be greatly increased by immigration during the coming spring.

Although there are no organized school districts in the territory, there have been numerous private schools in successful operation.

In Union, Clay, Yankton, Bon Homme and Todd counties these schools have been quite liberally patronized, showing that the people of the territory are willing to make whatever sacrifices are necessary that they may educate their children. About three hundred people have attended these schools within the last school year. Owing to the fact that most of the children of the territory have been kept a long time from school in consequence of living on the frontier, our schools are rather backward, and the teaching required mostly primary. But it is encouraging to see the eagerness of the pupils to overcome all difficulties and make the best of their opportunities for acquiring an education.

There has been no appropriation for the support of schools as yet, consequently I have no "expenditures of school moneys" to report. It is important that steps be taken by the school officers as early as practicable to secure to each county a school fund.

There is no enterprise connected with the interests of this territory that would pay so large a dividend on the capital invested as an assessment for school purposes. Without taxation we can have no successful school system. The general Government accordingly pays all the expenses of the territorial government in order that the people may be relieved of the heavy burden of taxes which such expenses would necessarily impose upon the

settlers of sparsely settled territories. But since the general Government relieves us from a heavy burden of taxation, shall we refuse or neglect to raise a light tax for the support of so vital an interest as that of common schools? Without schools we shall make but very slow progress in all that pertains to the improvement of society and the attainment of that social and political importance which with a good school system we have a right reasonably to expect. Without schools the valuable homesteads in our healthful and fertile valleys would have no value in comparison with the rugged farms among the hills and rocks of New England where schools abound. The hardy New Englander gives many an unrequited day of toil in cultivating his rugged fields for the purpose of supporting his family, but he has the pleasing consciousness of knowing that his children are acquiring day by day an education that will prepare them to fill almost any station in life they may be called upon to occupy, with credit to themselves and honor to their parents. But the heart of the honest pioneer of the West often sickens when he realizes that his children are growing up to man's and woman's estate without even the rudiments of an education, and yet, strange as it may appear, some people discountenance taxation even for school purposes. Can nothing be done to break the spell which binds the people of this territory and makes them cry out against all taxation?

It is remarked that we have an ample school fund in prospective, which we are happy to admit is true, but it avails us nothing now. We want schools for the education of our children, and we want them *now*. If we wish for an enterprising and intelligent people to come to this territory and settle among us, to bring their families with them and make this their home, we must provide them with means of giving their children at least a good common school education. If the existing laws were enforced, we should be provided with a considerable sum yearly for the use of schools. I can see no good reason why the \$1 per capita tax authorized by section 52 of the school law of 1863-4 should not be enforced. This tax could easily be collected and would form the basis of a school fund. An act passed by the Legislature of 1863-4 to prevent the sale of spirituous and vinous liquors to minors and for other purposes places all fines for the violation of the same to the credit of the school fund, and there may be other laws, the forfeit money for the violation of which accrues to the school fund, but for the want of any prosecuting officer, these laws when violated are not prosecuted.

I would recommend that the board of education communicate with the Legislature now in session and ask for the enactment of a law making it obligatory upon county assessors to levy and collect the per capita tax authorized for the support of schools, and also to pass a law requiring county attorneys to prosecute for violations of all laws of which the forfeit money will accrue to the school fund. Also to amend section 11 of the school law, by making it the duty of the county superintendents to divide their county into school districts in the same manner as is now required of the board of county commissioners. It seems to be the legitimate duty of the county superintendent to do this work, and certainly it would greatly facilitate the formation of new districts. I would recommend that the board ask for a law appropriating all moneys received for licenses for the support of schools. These sums would create a fund which would materially aid the common schools of the territory and which would gradually increase from year to year.

Uniformity of textbooks is essential to the success of public schools in any state or territory. From the best information I can obtain from the teachers in the private schools, I conclude that there is the usual variety of textbooks in use in the schools of the territory. This multiplicity of schoolbooks perplexes the teacher, retards the advancement of the school, and is continually a source of annoyance and expense to the patrons, and should never be allowed. There will never be a better time to take the steps necessary to avoid the difficulties than the present. Section 7 of the school law makes it binding on the board of education to select a list of textbooks for the use of public schools, which list they shall cause to be published in all the newspapers of the territory, and after such publication no other textbooks shall be used in the public schools of this territory. Full one-half of the schoolbooks now in use are published by Barnes & Burr, and known as the National School Series, and kept on sale by Mr. A. F. Hayward of Yankton. During the last summer these books have been extensively, and in some counties almost universally, introduced into the schools. Having been for a long time acquainted with the National Series and knowing their merits, I therefore recommend that this board select the series of schoolbooks published by A. S. Barnes & Burr, and known as the "National School Series," as the list of textbooks to be used in the public schools of this territory. This series is justly popular and has been adopted by a majority of the state boards of education.

Section 8 of the school law required the superintendent of public instruction to furnish copies of his annual report to the members of the board of education and the members of the Legislature. From the performance of this task I most respectfully ask to be excused, unless there is some means of printing the same, in which case I would cheerfully comply with the requirements of the statute.

One great hindrance in the work of organizing the public schools of the territory is the non-performance of the duties of school officers who get no remuneration for the time spent in the performance of their official duties. School officers should be willing to devote the necessary time required to promote the interests of schools in the territory without pay, but if territorial and county orders should be promptly issued in payment for their

services, I think it would have a tendency to insure greater promptness on the part of school officers than will be likely to exist otherwise.

I have further to ask that this board take such measures as it shall deem proper to provide the necessary books, papers, stamps, and stationery for conducting the official business of the "office of the board of education."

In conclusion let me express the hope that ere another year has passed away the machinery of our school system will be harmoniously at work and that every neighborhood in this valley will have a public school in which to instruct their children and prepare them for future usefulness.

JAMES S. FOSTER.

AUDITOR'S REPORT

At the election in 1862 a territorial auditor and a territorial treasurer had been elected as provided by law. These were Justus Townsend, auditor and P. H. Jewell, treasurer. Subsequently it was discovered that this procedure was not lawful, the Organic Act providing that the governor should appoint all territorial officers created by the Legislature. In compliance with this requirement Governor Edmunds, appointed J. R. Hanson, of Yankton, auditor, and J. O. Taylor, of Union, treasurer, in the winter of '63-4. Up to this time no attempt had been made to put the territorial machinery in motion, as no assessment of property had been made and no tax collected.

The Indian troubles of 1862 and the consequent calling out of the militia, and the confiscation of large amounts of private property for the general defense and welfare, made it incumbent on the Legislature to devise some means of liquidating the indebtedness created, and as the territory had nothing to pay with and because the indebtedness had been created in defending the settlements of the territory from Indian invasions, it was properly held that the general government should foot the bill, and acting upon this view of the matter the Legislature of 1862-3, the first session that was held after the troubles, took the matter into consideration, and enacted a law, as follows:

An act appointing and authorizing a commissioner to audit the military accounts against the Territory of Dakota:

Section 1. That James Tufts is hereby appointed and constituted a commissioner to audit all the military accounts outstanding against the Territory of Dakota.

Sec. 2 That all persons having military claims against the territory are hereby required to present them to the said James Tufts on or before the 1st day of March, 1863, and he, the said James Tufts, shall have the same audited and presented to the auditor by the 18th of March, 1863.

Sec. 3. When the claims audited and certified to by the said James Tufts shall be presented by him to the auditor, the auditor shall forthwith issue territorial warrants to the person entitled to the same as per amount designated by said commissioner, said warrants to be redeemable when the general Government appropriates and furnishes the funds for the redemption of the same.

Sec. 4. That the deputy auditor is hereby empowered to perform all the duties herein given to the auditor.

Sec. 5. All persons having claims audited by the commissioner herein designated shall pay the said commissioner 1 1/2 per cent for auditing the same.

Sec. 6. This act shall be in force from and after its passage

Approved January 9, 1863.

Under this law James Tufts performed the duties of commissioner that were imposed upon him, and there is no doubt that he performed them conscientiously and faithfully. He was a competent man to discharge an important duty of that nature in a satisfactory manner, but he must have been crowded with the work for the time given him was not sufficient to permit of such care as many of the claims demanded. Mr. Tufts, however, as well as Mr. Hagaman, the deputy auditor, had both arranged to leave for Montana as early in the spring as they could get a steamboat passage. The territorial auditor-elect, Justus Townsend, was

now a surgeon in the army and stationed at Fort Pierre, and there seemed to be a necessity that the claims should be examined and audited at this time, as many claimants were leaving the country, others were in debt and could use their claims to pay old scores and it was generally thought best that the claims should be put in shape as early as possible, as they would then have greater weight with Congress than would be the case if the process of adjustment was delayed. Under this state of affairs Mr. Tufts audited the claims and Mr. Hagaman issued the warrants amounting in the aggregate to \$28,137.17. A few weeks later both these gentlemen, carrying out a year old plan, left for Montana to take up a new residence.

A great deal of dissatisfaction and acrimonious criticism grew out of the adjustment and audit of these accounts most unjustly so far as Tufts and Hagaman were concerned, but that fact was not known at the time and could not be readily substantiated.

To such an extent was this unfriendly criticism carried that the Legislature of 1863-4 declared that all that had been done under the first enactment to be null and void, and passed a new law, appointing a new commission to do the same work over again. But the same work could not be done over again. Scores of claimants who had their claims adjusted by Tufts knew nothing of the second commission, hence did not file a claim. Others sold their warrants or had paid debts with them. Many had left the territory; and the brief time allowed this second commission for their work was insufficient in which to ascertain the whereabouts of these claimants. However, it is presumed the new commissioners did their duty so far as they were able to reach the claimants, and the result of their work cut down the aggregate allowance to \$19,325.05, or about \$10,000 less than the aggregate of the Tufts findings. With the submission of this second report to the Legislature of 1864-5, the matter rested for ten years, when Mr. Armstrong being the delegate in Congress, procured the authority from Congress to have the claims adjusted and paid, and this was done through an army officer, General Hardie, who visited the territory, made an investigation and adopted substantially the awards made by Commissioner Tufts.

It is now proper to give the findings of the Tufts commission, because that was finally accepted as the most reliable by the Government although 30 per cent greater in amount than the second audit. And that there would be nothing learned by the reader from perusing the second finding because it is nearly all contained in the first, the difference being caused by the second commission failing to audit many of the claims audited by the first; not refusing or neglecting to audit, but as it was afterwards learned the claims were not presented to the second commission, and in explanation of this it was shown to the satisfaction of all, that the claimants knew nothing about the second commission. They had appeared before the first commission, had their claims audited, and knowing that they must wait until Congress appropriated money to pay the claims, they had supposed the auditing and examining closed and had gone about their business, which possibly had led them to the various forts and Indian agencies in the upper country, and as afterwards proved to be the case some of them had never known of a second commission and a second audit until ten years later. Delegate Armstrong, in 1872, succeeded in procuring an appropriation to pay the claims, after the war department had made a most rigid investigation and virtually endorsed the first steps taken and the first findings made under the authority of the territory.

By an act of the Legislature entitled "An act appointing and authorizing a commission to audit the military accounts against the Territory of Dakota," approved January 9, 1863, James Tufts, Esq., was appointed such commissioner, whose duty it was to receive, examine and audit the military accounts of the territory. And said act further provides that "when the claims audited and certified to by the said James Tufts shall be presented by him to the auditor, the auditor shall forthwith issue territorial warrants to the person entitled to the

same, as per amount designated by said commissioner. On the 18th day of March, 1863, the said commissioner presented the following report:

COMMISSIONER'S REPORT

Office of Commissioner of Military Accounts,
Yankton, Dakota Territory, March 18, 1863.

To Justus Townsend, Auditor, Dakota Territory.

Sir: In compliance with an act of the Legislature entitled "An act appointing and authorizing a commissioner to audit the military accounts of the Territory of Dakota," approved January 9, 1863, I submit the following report:

Section 1. That James Tufts is hereby appointed and constituted a commissioner to audit all the military accounts outstanding against the Territory of Dakota.

Sec. 2. That all persons having military claims against the territory are hereby required to present them to the said James Tufts on or before the 1st day of March, 1863, and he, the said James Tufts, shall have the same audited and presented to the auditor by the 18th day of March, 1863.

ADJUTANT GENERAL'S ORDER NO. 12

To Captains F. M. Zeibach, A. W. Puett, Daniel Gifford, A. J. Bell and Mahlon Gore, Dakota Militia:

By order of the commander-in-chief, I am directed to instruct all captains of militia companies raised in the territory under the proclamation of the governor issued August 30, 1862, for protection against Indians, to report themselves without delay to the Hon. James Tufts at Yankton, who, by an act of the Territorial Legislature, approved January 9, 1863, has been appointed a commissioner to audit the military accounts of the territory, and you will then and there present for adjustment the properly authenticated accounts and claims of your respective companies for services and material furnished for the public defense. By order of the commander-in-chief.

C. P. BOOGE, Adjutant General.

In pursuance of said act and in conformity to the above order, I entered upon the discharge of the duties of the responsible trust confided to me. It will be observed that the enactment conferred plenipotentiary powers upon the commissioner in discharge of the duties imposed, without enjoining any special directions, or providing for the defrayment of such expenses that might be incurred in obtaining evidence, or examining witnesses necessary to a just and equitable adjustment of the claims presented. In the absence of all directionary provisions, the commissioner established as a rule that all claims presented, whether for material furnished, labor performed, or service rendered, should be authenticated and duly certified to by the commander-in-chief of the militia, or by the captains or some commissioned officer in command of the county or district where the expense was incurred. Under this rule the commissioner has acted, and in auditing the claims herewith presented he has in no instance sought to obtain testimony beyond the authentication of the commanding officer.

The few claims that have been presented for material and labor have in nearly every case, in the opinion of the commissioner, been marked by moderation and justice, and this class of accounts have, with perhaps an exception or two, been allowed in full. The accounts of militia companies for military services rendered were in most cases unavoidably conflicting and irregular. The names of the same individuals, in several instances, appeared on different rolls, but in all cases duly certified by the proper officer. This clashing in the returns of the various commanders is attributed to the unfitness and incongruity of our own present militia law, together with those conspiring circumstances incident to an unsettled and alarmed state of the public at the time the several companies were ordered into service, and in the opinion of the commissioner such collisions were inevitable and therefore excusable.

The proclamation under which the militia of the Territory was organized and called into active service was issued on the 30th day of August, 1862. The order has not been revoked at the present writing, nor has the militia been discharged from service by any official order or otherwise. Under these circumstances the captains could not do otherwise than present their claims for pay from the time they entered the service to the first day of the present month. Though not in constant service they were obliged, under the law, to hold themselves in readiness, subject to the orders of the commander in chief, and by virtue of the existing orders they are entitled to the presumption of uninterrupted active service. While the commissioner, therefore, deems the accounts of the militia men for four months' pay as reasonable and justifiable by the outstanding orders of the executive of the territory, he is quite aware that the term of actual service would fall considerably short of the period named above, and the commissioner has therefore endeavored to approximate, in auditing these pay accounts, as nearly as in his power, to such time as would be warranted by the law, paying due regard to the interest of claimants, and according these the benefit of any uncer-

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tainty or margin of doubt existing. The commissioner believes that some companies have performed more actual service than others, but as there was no evidence before him to show the length of time which any of them had been in actual service, other than the muster rolls, he resorted to a uniform rule of allowance, as may be seen by the schedule hereto appended. In conforming to this rule it may be that slight injustice has been done in some cases, but the commissioner is confident that no other rule could have been pursued whereby more exact justice could have been accorded.

The commissioner trusts that the incompleteness of our territorial militia system, and the complications and embarrassments consequent thereto, together with the meager provisions of the law creating this commission, and a desire to award to the yeoman militia of Dakota their full and just deserts will furnish a plenary excuse for his shortcomings and pardon to him those errors into which he may have unconsciously fallen.

All of which is respectfully submitted.

JAMES TUFTS, Commissioner.

JUSTUS TOWNSEND, Esq., Auditor of Dakota Territory.

The foregoing report was accompanied by an itemized statement of the accounts audited and allowed by the commissioner, which concluded with the following summary:

Recapitulation on What Account Audited.

Pay, commutations, etc., of—	
Company A, Dakota Militia, for two months.....	\$ 4,629.00
Company B, Dakota Militia, for two months.....	2,206.00
Company C, Dakota Militia, for two months.....	4,811.00
Company E, Dakota Militia, for two months.....	3,128.00
Captain Fuller's Company for two months.....	2,027.00
Recruiting service and pay of staff for two months.....	3,320.82
Quartermaster's department for two months.....	2,132.85
Commissary department for two months.....	5,095.75
Surgeon and hospital expenses for two months.....	406.75
Incidental expenses for two months.....	200.00
Total	\$28,137.17

Agreeable to the list of the audited accounts reported to me by the commissioner, and in obedience to the act creating the commission, I issued warrants on the treasurer to the amount of \$28,137.17, as represented by the following statement:

Statements of warrants issued for the military expenses of the Territory of Dakota, by authority of chapter 50 of Statutes of 1862-3:

Muster roll of Company A, Dakota Militia (Yankton County), organized September 1, 1862, from the records of the adjutant general's office:

Captain, F. M. Zeibach, \$261; first lieutenant, David Fisher, \$221; second lieutenant, John Lawrence, \$211; orderly sergeant, Geo. W. Kingsbury, \$65; first duty sergeant, A. Robeare, \$59; second duty sergeant, Samuel Mortimer, \$59; third duty sergeant, Samuel Grant, \$59; fourth duty sergeant, H. C. Ash, \$59; first corporal, Obed Foote, \$53; second corporal, Henry Bradley, \$53; third corporal, W. H. Werdebaugh, \$53; fourth corporal, J. C. Trask, \$53; fifth corporal, H. T. Bailey, \$53; sixth corporal, D. T. Bramble, \$53; seventh corporal, John Rouse, \$53; eighth corporal, N. Edmunds, \$53.

Privates

Henry Arend, \$51; J. M. Allen, \$51; M. K. Armstrong, \$51; John E. Allen, \$51; N. M. Barge, \$51; William Bordino, \$51; George Brown, \$51; Parker Brown, \$51; John Bradley, \$51; W. N. C. Blamer, \$51; Gonzague Bourret, \$51; J. W. Evans, \$51; Iver Egelberson, \$51; A. D. Fisher, \$51; James Fossett, \$51; B. C. Fowler, \$51; Nicholas Telling, \$51; James Falkenburg, \$51; J. B. Greenway, \$51; L. M. Griffith, \$51; George Granger, \$51; J. R. Hanson, \$51; William High, \$51; Augustus High, \$51; Peter Johnson, \$51; Samuel Jerou, \$51; John Johnson, \$51; John Keltz, \$51; George W. Lamson, \$51; W. P. Lyman, \$51; Charles McKinley, \$51; William Miner, \$51; John McGuire, \$51; Charles Nolan, \$51; L. Olson, \$51; George N. Propper, \$51; Thos. C. Powers, \$51; J. S. Presho, \$51; C. Philbrick, \$51; Chas. F. Picotte, \$51; Ole Peterson, \$51; Lewis Peterson, \$51; Chas. Rossteuscher, \$51; P. H. Risling, \$51; D. W. Reynolds, \$51; M. I. Reed, \$51; Washington Reed, \$51; William Stevens, \$51; J. M. Stone, \$51; A. B. Smith, \$51; John Smart, \$51; Henry Strunck, \$51; John Stanager, \$51; Hans Shagger, \$51; William Thompson, \$51; A. Van Osdel, \$51; Rudolph Von Ins, \$51; Bligh Wood, \$51; C. S. White, \$51; Chas. Wallace, \$51; James Witherspoon, \$51; O. B. Wheeler, \$51.

NAMES OF COMPANY B—BON HOMME COUNTY

Captain, Daniel Gifford, \$261; first lieutenant, S. G. Irish, \$221; second lieutenant, N. McDaniels, \$211; first sergeant, John H. Shober, \$65; first duty sergeant, M. Metcalf, \$59; second duty sergeant, L. Gafes, \$59; first corporal, W. W. Warford, \$53; second corporal, Morris Metcalf, \$53.

Privates

John Bradford, \$51; John Brown, \$51; Ira Brown, \$51; Charles Cooper, \$51; Hugh Fraley, \$51; Benton Fraley, \$51; Croel Gifford, \$51; E. W. Gifford, \$51; D. C. Gross, \$51; William Hammond, \$51; Henry Hartsough, \$51; Samuel Hardy, \$51; M. F. Hook, \$51; R. M. Johnson, \$51; Jacob V. Kiel, \$51; Daniel McDonald, \$51; George Matthieson, \$51; Sterling S. Parker, \$51; George Rounds, \$51; James Skinner, \$51; Joseph Staager, \$51; D. M. Smith, \$51; George L. Tackett, \$51; Reuben Wallace, \$51.

NAMES OF COMPANY C—CLAY COUNTY

Captain, A. W. Puett, \$261; first lieutenant, A. A. Partridge, \$221; second lieutenant, John W. Boyle, \$211; first sergeant, L. Bothun, \$65; duty sergeant, F. P. Jewell, \$59; duty sergeant, George Demmick, \$59; duty sergeant, F. M. Thompson, \$59.

Privates

A. Anderson, \$51; Ole Anderson, \$51; P. Anderson, \$51; J. M. Allen, \$51; Ole Bottolfson, \$51; J. P. Burgman, \$51; John Burt, \$51; A. Brugier, \$51; E. M. Bond, \$51; B. Bothun, \$51; Brisber Chausee, \$51; Charles Chausee, \$51; Charles Chausee, Sr., \$51; Frank Chausee, Sr., \$51; C. V. Cordier, \$51; B. W. Collar, \$51; J. Carpenter, \$51; A. Carpenter, \$51; H. Compton, \$51; Alexander Dumbrouse, \$51; Jacob Deuel, \$51; C. Ellison, \$51; E. Ellison, \$51; P. Eckman, \$51; A. Garzon, \$51; John Gedgrass, \$51; H. Gundersen, \$51; T. Halverson, \$51; A. Iverson, \$51; M. Iverson, \$51; Timon Johnson, \$51; P. H. Jewell, \$51; Gustav Jacobson, \$51; J. A. Jacobson, \$51; H. A. Kennerly, \$51; H. Knudson, \$51; J. Knudson, \$51; O. B. Larson, \$51; Lewis Larson, \$51; C. Larson, \$51; Iver Larson, \$51; M. Larson, \$51; Samuel Lyon, \$51; M. McCue, \$51; S. B. Mulholland, \$51; J. P. Mulholland, \$51; Neils Nelson, \$51; Peter Nelson, \$51; Erick Oleson, \$51; Henry Omeg, \$51; H. Oleson, \$51; Otto Oleson, \$51; A. Paterson, \$51; Geo. W. Pratt, \$51; H. Peterson, \$51; N. Ross, \$51; L. D. Robinson, \$51; L. Russelrahson, \$51; Jesse Shriner, \$51; Minor Robinson, \$51; Silver Strick, \$51; William Shriner, \$51; R. Thorson, \$51; Samuel Thompson, \$51; Frank Taylor, \$51; Frank Verzina, \$51; H. K. Vick, \$51; A. C. Van Meter, \$51; J. W. Tauney, \$51; James Whitehorn, \$51; M. Wilkenson, \$51; H. Waugras, \$51.

NAMES OF COMPANY D—UNION COUNTY

Captain, A. J. Bell; first lieutenant, J. M. Somers.

Privates

Caleb Cummings, A. C. Christy, A. Larson, Peter La March, Peter Lapan, John McBride, Paul Pacquette, George Stickney, W. Tripp, William Thompson, Christina Thomson, John Thomson, E. B. Wixson, Lorinzo Wood, J. Whitcomb, J. C. Wood.

LIEUTENANT ADAMS CAVALRY RECRUITS—UNION COUNTY

First lieutenant, W. W. Adams; second lieutenant, John R. Wood.

Privates

M. H. Somers, John Ness, P. Hotchkiss, George Brown, C. H. Wood, H. McCumber, John J. Welch, Joseph Stringer, S. Clyde, M. Sheldon, H. Scammonds, M. Curry, Ely Cross, L. M. Hulib, J. McDonough, George Cristy, E. M. Walters, N. Wood, Norris I. Wallace, A. Ackerman, J. Bartlett, R. H. Wibber, A. Hirsch, M. C. Hoyt, K. T. Ronne.

COMPANY F, DAKOTA MILITIA—UNION COUNTY

Captain, Mahlon Gore, \$261; first lieutenant, S. M. Crooks, \$221; second lieutenant, M. M. Rich, \$211; first sergeant, Nels Oleson, \$65; duty sergeant, Lawrence Dingman, \$50; duty sergeant, Ole Kittelson, \$59; duty sergeant, William H. Fate, \$59.

Privates

E. B. LaMoure, \$51; Henry Lowe, \$51; Matthias Larson, \$51; M. Minson, \$51; Sarge Michelson, \$51; Rufus Meade, \$51; Halve Nelson, \$51; T. Andrews, \$51; A. Andrews, \$51;

Thad Andrews, \$51; William Anderson, \$51; Benjamin Anderson, \$51; W. E. Bormey, \$51; C. Christenson, \$51; Hans Christenson, \$51; F. Furlong, \$51; Joseph Furlong, \$51; W. W. Frisbie, \$51; Thomas Fate, \$51; Albert Gore, \$51; Ole Halverson, \$51; S. Horton, \$51; Lewis Johnson, \$51; Carl Kingsley, \$51; Ole Kittleson, \$51; Theodore Oleson, \$51; Ole Oleson, \$51; Thomas Oleson, \$51; James Oleson, \$51; A. R. Phillips, \$51; Peter Peterson, \$51; Russell Phillips, \$51; D. Ross, \$51; Ole Thompson, \$51; L. O. Taylor, \$51; Andrew Fervis, \$51; Barney Vervick, \$51; Thomas J. Watson, \$51; T. C. Watson, \$51; A. Amerson, \$51.

DAKOTA CAVALRY, COMPANY C, BON HOMME AND CHARLES MIX—YANKTON

Captain, A. G. Fuller; first lieutenant, James Maloney; second lieutenant, William Bordino; surgeon, A. Van Osdel; quartermaster sergeant, Joseph Stager; first sergeant, E. W. Gifford; second sergeant, John Stange; third sergeant, Napoleon Jack; fourth sergeant, Lapan; first corporal, W. W. Warford; second corporal, William Young; third corporal, Lewis Gaies; fourth corporal, L. D. Robinson; bugler, Christopher Arend.

Privates

Daniel McDaniel, Benton Fraley, Mose Arcorge, Jacob Arend, Henry Arend, Oley Nelson, William Van Osdel, Samuel Van Osdel, Benjamin Gray, Chroel Gifford, G. D. Matthison, Peter Dupius, Joseph Leamie, Joseph Pladen, William Stevens, Thomas Reed, Rudolph Von Ins, Jacob Hack, Bernie Clarmont, W. G. Hargis, Luse Marie, Nathan McDaniels, John Bradford, William Hammon, Erastus Rowley, Charles N. Young, John Young.

Captain Bell's recruits, Captain Fuller's partially filled Company C, cavalry, and Lieutenant Adams' recruits, with other recruits, subsequently united as Company B, Dakota Cavalry, Capt. William Tripp, and were mustered into the service of the United States in May, 1863.

Jack Napoleon, \$59; Peter Lapan, \$59; William G. Hargis, \$59; William Long, \$51; Steven Williams, \$51; Christopher Arend, \$51; Pierre Clermont, \$51; Benjamin Gray, \$51; Jacob Hack, \$51; John Young, \$51; Luse Marie, \$51; Pierre Dupius, \$51; J. Julianah, \$51; William Van Osdel, \$51; Erastus Rowley, \$51; Mose Arcorge, \$51; Samuel Van Osdel, \$51; J. Arend, \$51; Charles Young, \$51.

MISCELLANEOUS

Franklin Wixson, surgeon, \$379.75; H. D. Booge & Co., \$2,978; Jonathan Brown, \$88.50; Charles Noland, \$5; William Borden, \$162; M. M. Rich, \$95; John Pinckney, \$46; William Borden, \$20; Enos Stutsman, \$100; George N. Propper, \$7.50; John R. Wood, \$175; White & Rouse, \$220; H. D. Booge & Co., \$30; William Tripp, \$174; Picotte & Armstrong, \$200; E. B. Wixson, \$425; Seigfried Loeber, \$75; D. T. Bramble, \$125; George W. Pratt, \$4.80; John C. McBride, \$18.85; William E. Homer, \$63; H. B. Houghton, \$27; Hotchkiss & Whitecomb, \$100; Paul Paquette, \$36.80; John W. Boyle, \$3; Lewis Larson, \$30; Miles Russel, \$49; Jacob Deud, \$40; Ole Kittleson, \$59; Steven Horton, \$56; Thomas Fate, \$51; Theodore Oleson, \$47; Ole Halverson, \$49; S. M. Crooks, \$8; Thomas C. Watson, \$4; Henry Lowe, \$4; Carl Kingsley, \$4; Andrew Anderson, \$4; Mons Oleson, \$4; Enos Stutsman, \$100; R. M. Hagaman, \$100; George W. Kingsbury, \$25; J. Whitecomb, \$3.05; Henry Arend, \$30.25; Henry C. Ash, \$100; George W. Kingsbury, \$31; H. Townsend, \$42; George N. Propper, \$31.50; William N. Collamer, \$9; Mahlon Gore, \$12.50; M. U. Hoyt, \$43.25; Henry Arend, \$18; Ole Oleson, \$4; Helge Mattison, \$4; Targe Mitchelson, \$4; Hans Oleson, \$4; Ole Thompson, \$4; Halver Nelson, \$4; Thomas Oleson, \$4; William Anderson, \$4; Matthew Larson, \$4; Erick Christenson, \$4; Peter Peterson, \$4; Lewis Johnson, \$4; Hans Christianson, \$4; A. J. Bell, \$18; Peter LeMarch, \$45; James Maloney, \$432.43; R. M. Hagaman, \$1.192; A. G. Fuller, \$1,816; A. G. Fuller, \$71.39; A. G. Fuller, \$872; H. D. Booge & Co., \$320; Charles P. Booge, \$1,276.

Grand total, \$28,137.17.

This expense was necessarily incurred in defending the lives and property of our citizens from the numerous bands of hostile Indians which infested our territory during the fall of 1862, before adequate protection was afforded by the Government.

I would therefore recommend that you memorialize Congress for an appropriation of \$28,137.17 to refund the territory the amount expended for the defense of the frontier of Dakota, which was also affording protection to Northern Nebraska, Northwest Iowa, and Western Minnesota.

JUSTUS TOWNSEND, Auditor.

In January, 1873, Congress took the first steps toward providing for the payment of these claims of the territory. The Committee on Military Affairs of the House, Mr. Armstrong being the delegate from the territory at that time, reported a bill, entitled "A bill to authorize the secretary of the treasury to refund to the Territory of Dakota the sum of \$28,137.17, for expenses incurred in pro-

tecting the frontier settlements during the Indian Rebellion of 1862." The committee's report says: "The committee find that prior to the 30th of August, 1862, and during the summer of that year, the Sioux Indians in Minnesota and Dakota made war upon the whites, perpetrating many outrages and threatened the entire border in that state and territory. Thereupon the governor of that territory issued his proclamation to the citizens of Dakota, ordering all male citizens in the territory, between the ages of eighteen and fifty years to at once enroll themselves into companies to be formed for home defense in their respective counties, with such arms as they may have had in their possession. They held themselves in readiness to march and engage in active service for the remainder of the year 1862.

The citizens, in pursuance of the proclamation of the governor, organized into five companies, in which were enrolled in all 266 men, and assembled and elected their officers, and prepared hastily made fortifications for their defense.

In the absence of United States troops, the calling of the militia by the governor, and their enrollment and service were, in the imminent danger from hostile Indians, the only defense for the people.

The committee then recites the proceedings of the Dakota Legislature of 1863, in providing for the auditing of the war expenses and states that "the action of the governor in calling out the troops, and of the citizens in responding promptly in the emergency seemed to be all that could be done and the only thing that could be done for the defense of the people of the territory, since no troops of the Government could come in time for the rescue, and it seemed madness to wait until the authorities at Washington could be reached and could furnish military aid.

The accounts appear to have been carefully examined by the commissioner, and to have met the approval of the auditor, and are set out in full with the items. The sum seems to be reasonable and a fair one, and we feel justified in recommending its payment, and for that purpose report the following bill:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the secretary of war be, and he hereby is, authorized and required to ascertain, or cause to be ascertained, the amount of expense necessarily incurred by the territorial authorities of Dakota, for arms, equipment, military stores, supplies, and all expenses of the volunteer forces called out to suppress Indian hostilities in the Territory of Dakota in the year 1862, and report to Congress at the next session the names of the persons entitled to relief, together with a statement of the facts and claims upon which such report may be based.

This bill passed the House forthwith, but did not reach the Senate before adjournment, and laid over until the following winter, when it became a law; and the war department in March of 1874 dispatched Gen. James A. Hardie, inspector general of the United States army to Dakota, "for the purpose of ascertaining the amount of expense necessarily incurred by the territorial authorities of Dakota, for arms, equipments, military stores, supplies, and all other expenses of the volunteer forces called out to suppress Indian hostilities in the Territory of Dakota in the year 1862. (See report of the territorial auditor and commissioner to the Territorial Legislature of 1863-4.) General Hardie was also directed to make a full report to the war department, "setting forth particularly the names of all parties equitably entitled to relief and the amounts justly due each case, taking into consideration the quantity and quality of supplies actually furnished and the prevailing scale of prices for such articles at the time they were furnished."

General Hardie made an exhaustive investigation. In his report he says in part:

I proceeded to Dakota, visiting Yankton, Vermillion and Elk Point, the principal centers of the militia operations in 1862, and conferred with claimants and the old settlers generally. I examined many witnesses, among them some of the principal actors in the events connected with the history of the claims. I visited the governor of the territory, William Jayne, who called out the militia in question, the special commissioner, Mr. James Tufts, who had

audited the claims under authority of the Legislature, and Col. R. M. Hagaman, who had issued the warrants in payment of the awards. These gentlemen, who are no longer residents of the territory, cheerfully gave me all the information they could on the points brought to their notice. Every assistance was cordially rendered by Governor Pennington, Secretary Whitney, Adjutant General Pound, and other prominent persons in Dakota. I also elicited much oral testimony of a valuable character. Besides, I obtained the affidavits of the mass of the claimants, together with important corroborative evidence. From the above sources and from the papers transmitted to me with my instructions from the adjutant general's office, I have collected such information as enables me to frame a report which I think may be taken as a safe basis of adjustment of these claims.

The general's report, which is quite circumstantial, and discusses the former investigation of the claims by the territory, substantially approving and accepting the investigation of Commissioner Tufts, goes further than that authority and allows the territory the sum of \$33,980.30, which was an increase of \$5,843.13 above the total amount allowed by the territorial commissioner. Nothing further need be said to sustain the justice of the claim made by the territory, nor need there be anything added to show the dire necessity which at the time called forth the efforts of the pioneers to save the territory from being abandoned by its white population.

In 1874 Congress made the appropriation of \$33,986.30 as recommended by General Hardie, and this sum was paid directly to the beneficiaries in 1875. They were paid by treasury draft direct from Washington, each claim being properly certified and sent either to the department or Delegate Armstrong who remained in Washington and gave his attention gratuitously to the collection and forwarding the proceeds direct to the party entitled thereto. The Government was extremely cautious and painstaking in seeing that no fee for collecting the claims was secured by claim agents. Over three hundred members of the old militia in Bon Homme, Yankton, Clay, Union and Minnehaha counties received pay for the two months military service in the fall of 1862 (it should have been six months); and in addition a considerable sum was disbursed to merchants for supplies confiscated for the use of the troops, and to hotel keepers for rations furnished those who were kept on the firing line. A list of the names of the militiamen, and those who voluntarily (and involuntarily) furnished supplies, will be found in the report of James Tufts, territorial commissioner, to audit the accounts which appears in this chapter.

The national Government should make some further reward and provision for those old defenders of Dakota's homes and firesides, especially in view of the rapid progress the territory has since made in agricultural production, the most important and indispensable of our national industries. The militia took the place of Government troops which at that time were needed south, not only for two months but for two years, more or less, and it would seem appropriate that their services, amid much privation and danger, many of them with families, should be recognized by having their names on the national pension roll. But for the militia the territory would have been entirely abandoned by its white population, as was advised at the time by officers of the volunteer army who foresaw years of war and tumult on these frontiers before the contest would be closed. The pension roll is open to those who served ninety days in the volunteer service, and though but sixty days were allowed the Dakota militia, this measure of time was inferred by General Hardie from the report of the territorial commissioner who was advised to keep the claim a reasonable one safely on the side of the settlers and claimants, as an inducement to Congress to make an early reimbursement of the amounts due. Had the commissioner allowed ninety days, there is little doubt that Hardie would have advised accepting his action without protest; but in the face of the commissioner's finding and in the absence of any protest on the part of the parties interested, the general did not feel warranted in increasing that item in the bill of the territory, but he did increase the aggregate sum found due by the commissioner, over five thousand dollars.

Should Congress decline to make an appropriate recognition of the loyalty and valued services rendered by this small but intrepid band of Dakota's early

defenders, the honor of a suitable recognition in some suitable form, will fall to the sons of that old guard, who as the sovereigns of a great state should testify their regard for those in that critical time who saved the territory from utter abandonment.

The territorial auditor, J. R. Hanson, made the first formal report of the financial situation of the territory to the Legislature of 1864-5. Dr. Justus Townsend had been elected auditor, but had removed from the territory and Mr. Hanson was appointed to succeed him. There had been no assessment of property made, the returns of which had reached the auditor's office, and there was nothing to formulate a report about except certain recommendations for the enforcement of the revenue laws. Hanson's report follows:

To the Honorable Council and House of Representatives:

By the requirement of section 2, chapter 8, of the general laws of 1863-4, it was the duty of the governor "to appoint and commission a territorial auditor to fill the unexpired term of Justus Townsend." In compliance with this law, I was so appointed and commissioned by his excellency, Gov. N. Edmunds, on the 21st of January, 1864, and immediately entered upon the duties of the office.

In submitting this, the second annual report of this office, it is the source of much regret that I am not able to present to you a more favorable condition of the territorial finances. The state of the treasury remains the same as when I took charge of the office—empty. The indebtedness of the territory is increasing steadily of fact pertaining to its existence, and small debts are constantly accruing in the various counties as a matter of necessity if any portion of the laws is to be enforced. For the liquidation of outstanding claims, and for the ready adjustment of such as will be unavoidably incurred in the future, some action should, in my opinion, be taken by the Legislature. The revenue laws appear to be just and wise and applicable to our youthful state. The wrong necessary to be righted exists with the county officers of the several counties, in whose hands the administration of these revenue laws is placed. There has come to my knowledge but one exception to a general evasion on the part of these county officers of their official duties. The remedy for this evil is simply some stringent enactment compelling such officers to a faithful compliance with all the requirements of the law by assessing property and levying and collecting taxes. I attribute this neglect of duty not to a willful and culpable determination to violate the law or shun the responsibility attached to their office. I believe public sentiment has exerted the influence to which they have yielded. I am aware of three popular objections to the inauguration of a regular system of taxation. One is the youth of the territory, and the hitherto rather unsettled and vacillating condition of the population; another is a reluctance on the part of many to contribute to the public revenue, having been sorely pressed by heavy taxation in the states from which they emigrated to Dakota, believing that here their property would be free for several years to come, and the third is the almost general opinion that all the taxable property of the territory, if properly assessed, taxed and collected upon, would be no more than sufficient to pay the expenses incident to such assessment, taxation and collection.

To these three objections I desire to reply briefly. First, if the youth would become a respectable member of society he must conform to its habits and customs, and it is well to take frequent lessons from his nearest neighbors. Settlements in Dakota, based briefly upon the experiment, have ceased to be made. Farmers, mechanics and merchants have surrounded themselves with much personal and real property, and being freed by generous military protection of all dangers from hostile Indians, nothing less than an actual disruption of the territorial organization can effect any general or material change. Second, he is neither a wise nor a valuable citizen who is unwilling to contribute to such necessary and righteous objects as the safety of persons, property and society. Redress from outrages against either can only be secured through the channels of law, and laws will not and cannot be enforced if no revenue be raised for the payment of such officers as are necessary to enforce them.

Third, so far as I am advised, an assessment of property has been made in Yankton County only. These assessment rolls show the value of taxable property in the county for 1864 to be a little less than \$100,000. The counties of Clay and Union will average almost equal with Yankton County, though the kinds of property differ somewhat from it. The County of Bon Homme contains property of the value of \$50,000. The counties of Todd, Charles Mix and Buffalo combined, including stocks of goods for the purpose of trade with the Indians and soldiers, all of which are subject to taxation, contain property of the value of about one hundred thousand dollars. The law provides that "Government lands shall not be taxed for the year in which the entry, location or purchase is made." It is not to assume that the increase of taxable property from the influx of immigration, and also from many of these Government lands becoming subject to taxation, which are not so the previous year, will not be less than one-quarter in the counties of Union, Clay, Yankton and Bon Homme, by the close of the fiscal year 1865. According to this calculation, the results for

HISTORY OF DAKOTA TERRITORY

1865 will be at the highest rate of taxation provided by law, and including a per capita tax of \$1, as follows:

Yankton County: Total value of property, \$125,000. Territorial tax, \$187.50; county tax, \$250; per capita tax \$165. Total, \$415.00.

Clay County: Total value of property, \$125,000. Territorial tax, \$187.50; county tax, \$250; per capita tax, \$150. Total tax, \$406.50.

Union and Bon Homme Counties: Total value of property, \$50,000. Territorial tax, \$75; county tax, \$100; per capita tax, \$35. Total, \$135.

Todd, Charles Mix and Buffalo Counties: Total value of property, \$100,000. Territorial tax, \$150; county tax, \$200; per capita tax, \$100. Total, \$450.

Total value of property in the several counties, \$525,000. Total territorial tax in the several counties, \$787.50. Total county tax in the several counties, \$1,050. Total per capita tax, \$790.

The above exhibit indicating the probable amount of property in the territory for 1865; the territorial, county and the per capita taxes accruing to the revenue of the territory, were the laws properly complied with in the various counties, show a result sufficiently satisfactory to allay all fears of poverty and place the fresh and young Territory of Dakota in a position of respect and honor in the financial world. While the above amount of tax would fall so lightly upon our citizens as to be scarcely perceptible, they would be largely rewarded by the consciousness of having contributed toward the redemption of the territorial credit and the enforcement of the laws so essential to the undisturbed enjoyment of all their possessions.

Since taking possession of this office no territorial warrants have been issued by me, and therefore the total amount issued outstanding remains the same as reported by my predecessors to the last Legislature, to wit:

No. 1, May 8, 1863. James Tufts for extra pay as secretary of the council, general laws 1862, \$120.

No. 2, May 8, 1863. William Goodfellow, for total pay for services rendered as engrossing and enrolling clerk of council as per general laws of 1862, \$44.

No. 3, May 8, 1863. J. R. Hanson, for extra pay as chief clerk of the House of Representatives as per general laws of 1862, \$120.

No. 4, May 8, 1863. William Goodfellow, for total pay for services rendered as engrossing and enrolling clerk of council as per general laws of 1862, \$196.

Total outstanding warrants, \$480; for the payment of which there is no money in the treasury.

Up to and including the last day of the fiscal year ending November 30, 1864, there will be claims against the territory (exclusive of warrants issued), as follows:

Salaries of auditor from May 20, 1862, \$129.16 $\frac{2}{3}$.

Books and stationery for auditor, which have been furnished, \$25.50.

Salaries of treasurer from October 1, 1862, \$112.50.

The account of Daniel Gifford for services rendered as the engrossing and enrolling clerk of the House of Representatives as per general laws of 1862, \$180. Total, \$446.66 $\frac{2}{3}$.

Total indebtedness of territory December 31, 1864, \$926.66 $\frac{2}{3}$.

The following estimate will indicate the probable increase of liabilities up to November 30, 1865:

Salary of auditor from November 30, 1864.....	\$ 50.00
Salary for treasurer from November 30, 1864.....	50.00
Books and stationery for auditor's office.....	50.00
Books and stationery for treasurer's office.....	50.00
Seal for auditor's office.....	10.00
	<hr/>
	\$210.00

Total indebtedness December 31, 1865, \$1,136.66 $\frac{2}{3}$.

To meet the liabilities I would earnestly recommend some action on the part of the Legislature compelling county officers in the various counties to a strict compliance with the requirements of our territorial statutes. And I would further recommend an increase of one-half mill on the dollar on the amount of territorial tax now allowed by law. This would, in my judgment, raise sufficient revenue to liquidate all demands against the territory.

J. R. HANSON, Territorial Auditor.

CHAPTER XXXVI

THE ASSASSINATION OF PRESIDENT LINCOLN

1865

LINCOLN'S INAUGURAL ADDRESS—ASSASSINATION OF THE PRESIDENT—THE NATION GRIEF STRICKEN—MEMORIAL EXERCISES IN DAKOTA—PRESIDENT JOHNSON'S PROCLAMATION—FEDERAL APPOINTMENTS—MUSTERING OUT—GENERAL SULLY CONGRATULATES DAKOTA CAVALRY—COUNTY GOVERNMENT INAUGURATED—HIGH PRICES THE RULE.

On the 4th of March, 1865, Abraham Lincoln was inaugurated President of the United States for the second term. On that occasion he delivered a brief inaugural address, reviewing the great events of the past four years. It was quite manifest at this time that the Rebellion was nearing the end, and Mr. Lincoln's words were the frank expression of a heart overflowing with kindness and charity for the misguided and impoverished people who had endeavored to destroy the Union. He wished to offer them bread not a stone; something which would convey to them an assurance that in the overthrow and destruction of their ill-starred Rebellion, no enmity remained on the part of the triumphant nation; no rancor was felt by the victor for the vanquished. The concluding portion of the address, which is here given, exhibits such faith in God, such complete resignation to his will and purpose, and such magnanimity of soul, that it must forever have a place among those words that were described by the wisest of men, as "apples of gold in pictures of silver." But a few weeks before his death, on the occasion of his second inaugural, alluding to the great war between the Government and the rebellious states, which was just on the eve of terminating, Mr. Lincoln concluding, said:

Neither party expected for the war the magnitude or the duration which it has already attained; neither anticipated that the cause of the conflict might cease before the conflict itself was brought to a close; each looked for an easier triumph and a result less fundamental and astounding.

Both read the same Bible, and prayed to the same God, and each invoked his aid against the others. It may seem strange that men should dare to ask a just God's assistance in wringing their bread from the sweat of other men's faces, but let us not judge that we be not judged. The prayers of both could not be answered. That of neither has been answered fully. The Almighty has his own purposes. "Woe unto the world because of offenses, for it must needs be that offenses come, but woe to that man by whom the offense cometh." If we shall suppose that American slavery is one of these offenses which in the providence of God must needs come, but which having continued through the appointed time, he now wills to remove, and that he gives to both North and South this terrible war as the woe due to those by whom the offense came, shall we discover that there is any departure from those divine attributes which the believers in a living God always ascribe to him?

Fondly do we hope, fervently do we pray, that this mighty scourge of war may speedily pass away. Yet if God wills that it may continue until all the wealth piled up by the bondman's 250 years of unrequited toil, shall be sunk; and until every drop of blood drawn by the lash shall be paid by another drawn by the sword, as was said 3,000 years ago, so still it must be said that the judgments of the Lord are true and righteous altogether.

With malice toward none, with charity for all, with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation's wounds, and care for him who hath borne the battle, and for his widow and his orphans, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.

Six weeks later, on the 14th of April, 1865, Abraham Lincoln was slain by the bullet of an assassin. He was in attendance at Ford's Theatre, Washington, witnessing the play of "Our American Cousin" when John Wilkes Booth, a celebrated actor and secession sympathizer, entered the private box where the President, his wife and some friends were seated, placed a pistol close to the President's head and fired. The assassin then leaped to the stage, and with a flourish of his arms shouted "Sic Semper Tyrannis" and made off through the back door of the building, mounted a horse which had been placed there to aid his escape, and rode away with all speed, crossing the Potomac by the long bridge into Maryland. The whole affair was accomplished so suddenly and dramatically that it seemed to paralyze the numerous audience, including the President's company, who remained, for a few seconds, apparently stupefied and speechless. But the alarm went forth and not many minutes elapsed before a troop of cavalry were on the track of the murderer who had about an hour's lead, crossing the Potomac by a ferry below Long bridge. The President was removed across the street from the theatre to comfortable quarters, where skillful surgeons did all that could be done to revive him, without avail. He breathed his last on the morning of April 15th, about 5 o'clock.

Intelligence of the assassination was known the same morning in every city and village of the Union and created a profoundly solemn impression upon the public mind. No calamity of the entire war affected the masses of the people as did this. Men and women temporarily lost their reason and ran frantically about wringing their hands, waving their arms and shouting incoherently. Others swooned; thousands wept aloud, sobbing piteously. The nation seemed like one great family, grief stricken at the death of its most favored and beloved member. The emblems of death's visitation draped the household and the marts of trade all over the land. The grief was more intense, impatient, sullen and pathetic than when Washington died, owing to the manner of Lincoln's "taking off," which was so sudden and unexpected, so violent, cruel and cowardly. The affliction probably was felt more acutely in the case of Lincoln, he being the great leader of the hosts of liberty and Union, whose shattered though victorious armies were just emerging from the long sanguinary struggle. The people loved and revered him; many may have idolized him. He was a shining mark and in the hour of his greatest triumphs, the fruition it might be said of his fondest prayerful hopes, death took him. Not only in our own country, did overwhelming and universal grief prevail, but the people of the old world felt the great sorrow. Lincoln had been so wise and true; so unselfish, forgiving, kind and patient; so grand and good in his great office, that civilized humanity the world over, appeared to bear for him the deepest homage and sincerest affection. But a few weeks before his death he had been inaugurated President for the second term; the Rebellion that had withstood the storms of terrible and unrelenting war for four long bitter years, had been suppressed or had spent its force, and the greatest war ever waged, all things considered, was practically at an end. The leading rebel general, Lee, had surrendered his army to Grant, at Appomattox. Richmond, the capital of the Southern Confederacy, had capitulated, and Jefferson Davis, the prime instigator and leader of the secession movement, and president of the confederate states of America, was a fugitive with a reward offered for his capture. It was an hour when Lincoln was receiving the homage of the loyal people of the nation as no man had ever before been offered it save Washington at the close of the Revolutionary war. Lincoln had performed his full part in bringing about the results which saved to the people of this great republic and of all the world, the nation that had been leading humanity for scores of years out of the slavery and darkness of despotism and monarchy, into the brilliant sunlight of individual freedom—the nation to whose guardianship it would seem God had entrusted the keeping and preservation of the sacred ark of human liberty. His fame was secure, but it did not appear to the perception of the people of this country, that his life work was completed, for still in front, in the tomorrow of the nation there

loomed the mass of ruined state governments that needed to be rebuilt and restored; the disposition of three or four million black people from whose limbs the chains of life-long slavery had just been severed, and all the problems a little later met with in the momentous work of reconstruction.

On the same night another would-be assassin named Payne, entered the chamber of William H. Seward, secretary of state, who was confined to his bed with a serious illness and attempted to assassinate him with a knife. He cut and slashed the venerable statesman frightfully, inflicting wounds of a very dangerous character, and severely injured his son, Frederick Seward, and Mr. Robinson, a nurse, who grappled with the desperate villain and prevented the complete execution of his murderous purpose. The ruffian escaped from the house and eluded detection for some time, but was finally captured. Mr. Seward though sadly disfigured for life as the result of his wounds, finally recovered and resumed the duties of his office.

When the Assassin Booth leaped upon the stage at Ford's Theatre he broke one of his ankle bones. This gave him such intense pain that he was forced to stop in his flight at the house of a friendly surgeon in Maryland and have it treated. He was anxious to reach the rebel lines, where he supposed he would be safe from capture. This halt and delay at the surgeon's proved his undoing, for it furnished an early clue to his pursuers who were following him up, and finally succeeded in driving him into hiding in a barn on a place called Garrett's farm near Port Royal, on the Rappahannock. Here Booth made a stand, refusing to surrender, and being well armed and disposed to resist to the death, his pursuers fired into the barn hoping to wound him and capture him alive; but their fire was too effective and he was killed. One of his accomplices, Harrold, who had accompanied him was not injured and was secured.

As in every part of the United States outside of the rebellious country and in some portions of that section, so the citizens of Dakota sincerely shared in the all prevailing sorrow and nightly gloom that seemed to have wrapped the world in a shroud. Business was practically suspended and nothing else was spoken of but the hideous crime and the virtues of the great victim.

Governor Edmunds issued a special proclamation naming Thursday, the 27th of the month as a day of fasting, humiliation and prayer; and the people of the territory generally appropriately observed the occasion. The citizens of Yankton assembled at the capitol building on the 24th for the purpose of giving public expression to their sorrow and to pay tribute to the virtues of the great martyr. G. C. Moody called the meeting to order; James M. Stone was elected chairman and Albert P. Hayward, secretary. The proceedings were opened with prayer by Rev. Melancthon Hoyt. Joseph R. Hanson presented the following resolutions, which were adopted:

Resolved, That now as under former occasions of national disaster and gloom, we bow with true faith and humility to this last and most mysterious, startling, and profoundly solemn decree of God. Recognizing in this terrible blow which sways our whole nation with woe, as the tempest rocks the giant oak, still firmly believing that he who holds the life of nations as individuals, in the hollow of his hand, "doeth all things well," will, in his own good time, say to the waves of intestine war, "Peace, be still."

Resolved, That we regard the assassination of President Abraham Lincoln as the direct and natural result of a disgraceful northern sympathy with treason against the republic, and while we view the latter as taking rank with the most revolting and heinous crimes known to mankind, the position of the armed traitor is touched with a semblance of nobleness when compared with that of him who is imbued with the foul spirit of the former.

Resolved, That amid the scenes of woe which tonight veils the whole North in weeds of mourning, that our nation's pilot has been murdered while still holding the helm of the old ship of state as she was safely plowing the waves of internal discord and strife, and just nearing the haven of peace and repose, it is our firm belief that we can safely entrust the helm to the hands of Andrew Johnson, having the most unfaltering faith that his wisdom, his statesmanship and his devotion to our country's cause, are adequate to the great duty with which the present is pregnant, and that he will bring the rebellion to a speedy and successful termination, and we do hereby pledge him our unwavering support of his administration.

Appropriate addresses were made by the Rev. Dr. Hoyt, Colonel Moody, Mr. Brookings, Mr. Stutsman, Doctor Bardsell and Mr. Foster, and the meeting then adjourned.

In accordance with a general order, the military authorities stationed at Yankton caused a salute of twenty-one guns to be fired on the 20th of April, in token of respect to the martyred President whose interment at Springfield, Ill., occurred on that day.

President Andrew Johnson issued a proclamation in words following:

Whereas, By my direction, the acting secretary of state, in a notice to the public on the 17th day of April, requested the various religious denominations to assemble on the 19th of April on the occasion of the obsequies of Abraham Lincoln, late President of the United States, and to observe the same with appropriate ceremonies; and,

Whereas, Our country has become one great house of mourning, where the head of the family has been taken away, and believing that a special period should be assigned for again humiliating ourselves before Almighty God, in order that the bereavement may be sanctified to the nation.

Now, therefore, in order to mitigate that grief on earth which can only be assuaged by communion with the Father in Heaven, and in compliance with the wishes of senators and representatives in Congress communicated to me by a resolution adopted at the national capitol, I, Andrew Johnson, President of the United States, do hereby appoint Thursday, June 1, 1865, to be observed wherever in the United States the flag of the country may be respected, as a day of humiliation and mourning, and recommend my fellow citizens then to assemble in their respective places of worship, there to unite in solemn service to Almighty God in memory of the good man who is gone, so that all shall be occupied at the same time in contemplation of his virtues and sorrow for his untimely end.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed. Done at Washington, April 25th, A. D. 1865, and of the Independence of the United States of America, the 89th.

By the President,

ANDREW JOHNSON.

W. HUNTER, Acting Secretary of State.

President Lincoln made a number of federal appointments for Dakota in March, 1865; these were Laban H. Litchfield, of Yankton, to be United States marshal in place of Geo. M. Pinney, resigned to take a similar position in Montana; Ara Bartlett, of Vermillion, to be chief justice, vice Philemon Bliss, resigned; W. G. Gleason, of Yankton, to be associate justice vice Joseph L. Williams, term expired; Jefferson P. Kidder to be associate justice vice Ara Bartlett, promoted. Litchfield had been a deputy United States marshal for nearly three years. He lived in Bon Homme County and was originally a Pennsylvanian, coming here for his health. He was a young man; was highly esteemed and the situation was everywhere approved; the fact that he was taken from the territory was a very popular feature. Bartlett had been associate justice for nearly a year in the Vermillion District. Gleason was the United States attorney, and Mr. Kidder was a Minnesotan, originally from Vermont, and one of the party who settled in Sioux Falls from St. Paul in 1857. William Tripp was appointed surveyor general and John Hutchinson was re-appointed secretary. Patrick H. Congar, of Dubuque, was appointed United States agent of the Yankton Indians to succeed Mr. Burleigh who had been elected delegate to Congress and was at this time acting in that capacity at Washington.

President Johnson, who succeeded Mr. Lincoln, made a number of appointments, to-wit: Dr. Joel A. Potter, of Micksville, was appointed United States agent of the Ponca Indians, and James M. Stone, of Yankton, was appointed agent of the Santee Sioux at Crow Creek. It will be observed that nearly all these appointments were bestowed upon citizens of Dakota Territory, some of them former officials and some new men. This was acceptable to the people of Dakota, and added largely to the popularity of the new delegate, Major Burleigh, who was an ardent supporter of this policy.

Capt. Nelson Miner, late of Company A, Dakota Cavalry, was appointed register of the United States land office at Vermillion in June in place of James M. Allen, whose term had expired. The old soldiers were preferred thereafter for federal offices.

President Johnson also made appointments to federal offices in Dakota as follows:

William B. Tripp, surveyor general, in May, 1866, in place of George D. Hill, whose term had expired. General Tripp was captain of Company B, Dakota Cavalry, during the late Civil war.

George H. Hand was appointed United States attorney for the District of Dakota, in May, 1866. Mr. Hand was a resident of Dakota and a Civil war veteran.

William E. Gleason, associate justice of Dakota, was appointed United States consul at Bordeaux, France, in June, 1866, resigning his judgeship.

John W. Boyle, register of the United States land office at Vermillion, was appointed associate justice to succeed Mr. Gleason.

George Stickney, of Elk Point, was appointed successor to Mr. Boyle.

Joseph R. Hanson, of Yankton, was appointed United States Indian agent of the Upper Missouri Tribes in March, 1866, in place of Samuel N. Latta, whose term had expired. Hanson's headquarters were at Fort Thompson.

Dr. Henry F. Livingston, of Yankton, was appointed physician and surgeon at Crow Creek Indian Agency, May, 1867.

Phil K. Foulk was appointed transcribing clerk in the office of the surveyor general of Dakota, in June, 1866, succeeding James S. Foster.

Two new federal offices were made for Dakota in 1866, assessor and collector of internal revenue. E. C. Collins, of Union county, was appointed assessor, and Wm. Shriner, of Clay, collector.

Carl C. C. P. Meyer, of Yankton, was appointed emigration commissioner for Dakota in Germany and other countries in Europe, in March, 1866, and left for his post of duty on the 13th of March.

David M. Mills, of Union County, was appointed assessor of internal revenue for Dakota Territory in December, 1867, in place of E. C. Collins, removed for political reasons.

Gideon C. Moody was appointed, under the new national bankruptcy law, register in bankruptcy for the District of Dakota, in July, 1867.

The mustering out of the military service of the United States of Company A, Dakota Cavalry, was an event of importance to the members of the company and of great significance to the people of the territory, for it signified that war had been banished from the land. Peace reigned to the utmost bounds of the nation. It was a happy occasion, and occurred at Vermillion, the home of Capt. Nelson Miner, on Wednesday, May 9, 1865, after three years of honorable and arduous service. The members of the company had been recruited from Clay, Yankton and Bon Homme counties, but nearly all of them were young, single men, who had no particular point in view for a settlement and occupation.

The Dakota Cavalry had made an excellent military record, receiving frequent and earnest commendation of their commanders, both volunteer and regular, and acquitting themselves on all occasions with great credit. Their discipline, valor and efficiency were observed and commented upon by the troops of our neighboring states who served in the same campaigns, and their soldiery accomplishments were fitly recognized by General Sully in his general orders on the occasion of their leaving the service, and more directly when he selected Companies A and B as his body guard for the campaign of 1864.

Company B was mustered out at Sioux City, November 15, 1865, on which occasion General Sully issued the following general order:

Headquarters District of Dakota.

Sioux City, Iowa, November 5, 1865.

General Orders, No. 6

Company B, Dakota Cavalry, being under orders to muster out, will in a few days leave the service of the United States.

They having been under my command for nearly three years, I take the occasion of the mustering out of the last organization of Dakota troops, to thank both officers and men

for the good service they have rendered the country and the cordial support they have rendered me.

In this including Captain Miner's Company "A" as well as Captain Tripp's Company "B."

Although the service will be the loser by the muster out of these troops, the Territory of Dakota will be greatly the gainer by the return of such a valuable body of men.

ALFRED SULLY, Brigadier Major General.

There was no earnest attempt to put the machinery of the Government of the counties of the territory in operation until the year 1865. In the early days of Dakota's settlement there was very little attention given to the public affairs devolving upon a county government. No taxes were levied and as a matter of course none were paid. A small amount was occasionally collected from retailers of intoxicating liquors in payment of license, but this was all. An occasional case in justice's court was the extent of legal proceeding under the territorial laws; the district courts being held at the expense of the general Government. There were no places set apart for the transaction of public business. As there was no deeded property, except the half-breed scrip lands, and the lands awarded to certain persons, all Indians, under the Yankton Treaty, the recorder of deeds, leases, and bonds for deeds, etc., was able to look after his duties and keep his record at his place of business without inconvenience. An occasional meeting of the board of county commissioners was held to make provision for elections, and to enable the other county officers to qualify. There was so little taxable property that it was claimed the expense of assessment and collection of the tax would not pay the expense incident to the work. The first and one of the essential inducements to county government was lacking, to-wit: the means to defray the expense. The sheriff's authority as a peace officer was seldom called for, the law and order sentiment in all the Dakota settlements being sufficiently predominant and cheerfully willing to suppress any manifestations of lawlessness, and more apt to visit summary punishment upon an offender than would have been the case under legal formalities. Public opinion held the lawless in restraint, in nearly every community.

With the year 1865, however, there came the demand, induced by increasing population and varied interests, for attention to all departments of public affairs, and provision was made for the convenient and methodical transaction of the public business.

Very high prices for everything in the line of merchandise prevailed during the war not only in Dakota but throughout the United States; and although the price of everything had been "sky rocketed," as it was termed, labor was also well paid, and the people of the northern states were never so prosperous. Money was plentiful, the disbursements of the Government alone being in the neighborhood of two million a day. At the beginning of the war the amount of money in the country was given as \$17 per capita. It rose rapidly after the Rebellion broke out and had soon reached the unparalleled amount of \$50 per capita. Population in the United States at that time, however, was about one-third the present number. The money used was exclusively Government notes called greenbacks. Special payments had been suspended at the beginning of the war in 1861, and were not resumed until 1879, a period of eighteen years. Gold and silver were not in circulation as money, and the old state bank currency that existed prior to the war had been discredited and largely retired. The day of a national currency had dawned, forced upon the country by the exigency of war. The Government notes were issued in denominations of \$1 and up to \$1,000. There was also a fractional paper currency called (popularly) "shin plasters." These the Government issued in denominations of 5, 10, 15, 20, 25 and 50 cents. Gold became a commodity, the same as sugar and flour, and was bought and sold at prices varying with supply and demand. It was at a premium at the beginning of the war, and rose in value until it sold as high as \$2.65 in greenbacks for \$1 in gold. It was principally used in transactions with foreign countries, the Government requiring large amounts for the purchase of ships, ammunition for war,

and stores for the navy and army. The price of all merchandise and labor was based on paper money. Flour went up to \$12.50 a barrel during 1863-64. The army consumed enormously of flour and meats, and large quantities of these were imported. Prices in Dakota were in keeping with those which prevailed throughout the country. Flour at one time sold at \$7.50 per 100, and all other provisions and groceries in proportion, except fresh meats, which were really cheaper then than now. Such an article as good butter, eggs and poultry, however, while comparatively plenty for ordinary times, were in such demand at the military camps and forts that very little was offered to civilians who would object to paying 75 cents a pound for the butter and \$1.50 per dozen for the eggs. The soldiers on the other hand made no objection to the price. Potatoes at different times sold for \$4.50 and \$5 a bushel.

The financial lessons taught by the Civil war in the United States were of the greatest value to the people and particularly to the student of the economic science, and brought about an entire change or revolution in the methods of furnishing a circulating medium for the needs of the American people. There were a number of wise and patriotic men in control of the Government during the war, and their work and its results were marvels of able and honest statesmanship. The federal currency first, and the national bank with its currency, are among the financial fruits of the great Rebellion. Salmon P. Chase, the eminent Ohio jurist and statesman, was secretary of the treasury during Lincoln's first term, and was called the "father of the greenback."

CHAPTER XXXVII

PEACE TREATIES WITH HOSTILE INDIANS

1865

GOVERNMENT WAGON ROADS IN DAKOTA—BIG SIOUX, VERMILLION AND JAMES RIVER BRIDGES—OVERLAND TO MONTANA VIA THE MISSOURI RIVER—RIVAL ROUTES CREATE COMPETITION—CIVIL AND MILITARY AUTHORITIES MILDLY CLASH—PEACE TREATIES WITH THE HOSTILE INDIANS—STEAMBOAT TRAFFIC FORTS DAKOTA AND JAMES CONSTRUCTED—THE ANNUAL ELECTION—THE 50TH WISCONSIN INFANTRY TO FORT RICE—AN ALL DAY BATTLE AT FORT RICE—INDIANS KILL LA MOURE ON BRULE CREEK—WATSON'S STORY—SEAL OF THE SUPREME COURT—ARA BARTLETT AND JEFFERSON P. KIDDER APPOINTED U. S. JUDGES.

Congress at its session in 1864-5 appropriated a sum of money for the construction of wagon roads and bridges in Dakota as well as other parts of the West, to accommodate the rapidly growing travel to Montana and Idaho. One of the roads started from Omaha and ran along the west bank of the Missouri to Niobrara, thence out that valley to the mountains. Another started from the Big Sioux River at Paquette's Ferry, and ran by the way of Vermillion, Yankton, Bonhomme, and on up the river to Fort Randall. Still another started from a point on the Minnesota state line south of Big Stone Lake, thence west across Dakota to the mouth of the Big Cheyenne, and thence up the Cheyenne to point of intersection in the mountains with the Omaha road. Col. G. C. Moody, of Yankton, was appointed superintendent of the road from the Big Sioux up the Missouri Valley via Yankton, to Fort Randall. He had \$25,000 to expend on the work which included bridging the Big Sioux, Vermillion and James rivers, and some small streams above. Hon. W. W. Brookings was appointed superintendent of the Minnesota and Cheyenne Road, and was given \$30,000 to expend. J. A. Sawyer, of Sioux City, was appointed superintendent of the Omaha highway and was given \$50,000.

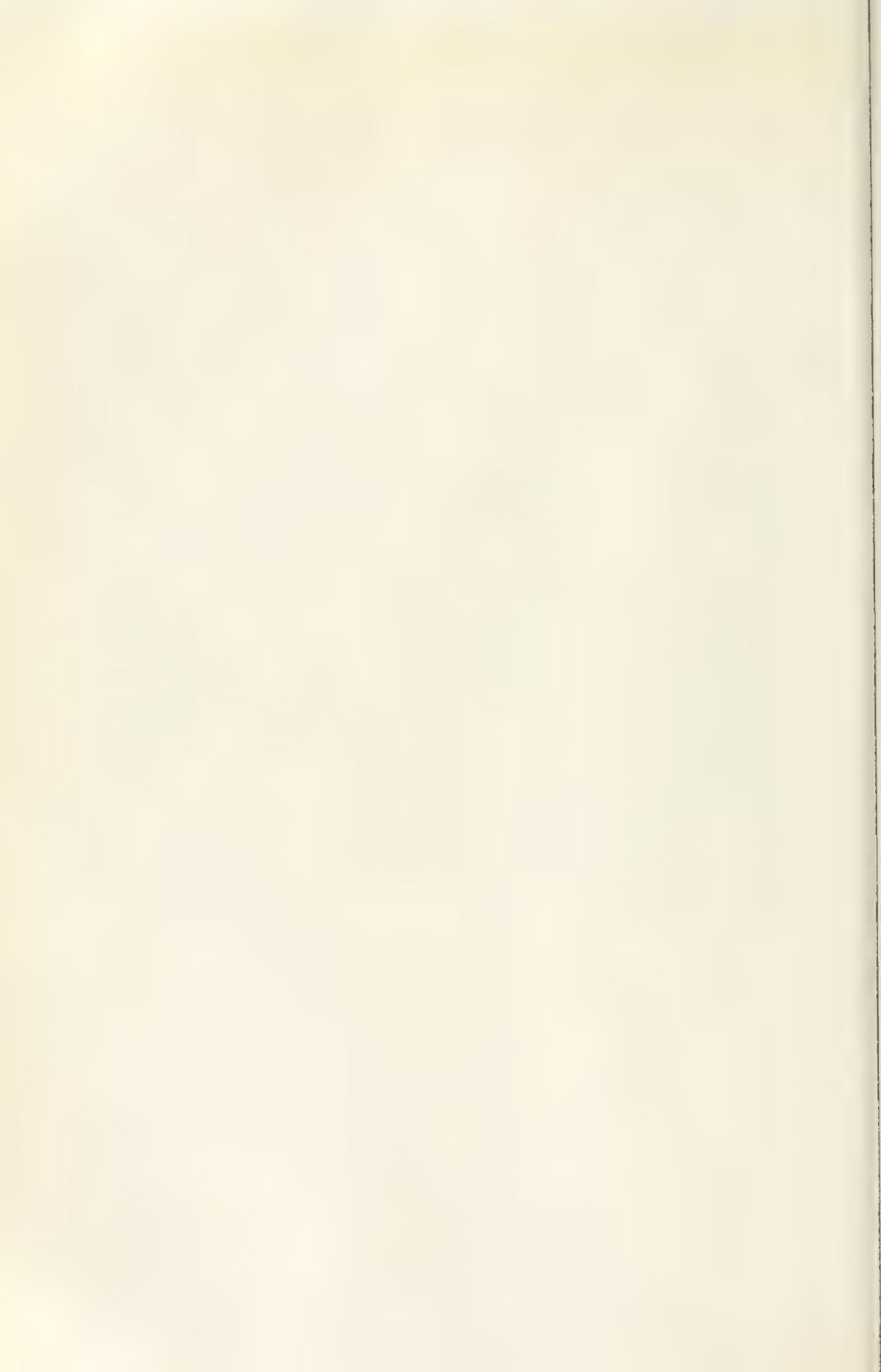
Colonel Moody began operations the first of June, his initial work being the construction of a bridge across the Big Sioux River near Paquette's Ferry, Mr. B. M. Smith, of Yankton, being the engineer in charge of construction. The bridge was constructed of wood with timber posts on good foundation. It was 500 feet long, 16 feet wide, supported by 7 piers 50 feet high. Each pier was barracked with 20 cords of stone to protect from floating ice.

At the same time, June 1, 1865, Superintendent Brookings started out with his work of laying out a road from the foot of Big Stone Lake to the Big Cheyenne, thence up that stream. The work east of the Missouri was left until the western portions up the Cheyenne had been completed owing to the number of emigrants who were waiting to take this new road to the gold fields. Brookings had a large outfit as he was required to take supplies for all his employes including tents and bedding. Accompanying the Brookings' expedition were George N. Propper, as engineer; Charles F. Picotte, as interpreter; Charles de Way, as guide; J. B. Greenway, John Rouse, Geo. Buell, Fred Edgar, Aaron Carpenter, James McGort, John Gray, George Falkenberg, S. Minde,



FIRST CHURCH BUILDING IN YANKTON

Built for the Episcopalians in 1865 on northwest corner of Third and Walnut Streets



Amos Shaw, J. M. Maskell, John McClellan, Charles Wright, of Yankton, Larsen Bothun, Erick Nelson, of Clay, and Kund Larson and Kund Severson, of Gayville, J. R. Hanson went as clerk. The expedition proceeded without incident to Fort Sully where it was to be joined by General Sully and his military escort of 600 men who were going along with the wagon road expedition, not solely as an escort but incidentally so; the purpose of Sully being to locate and build one or two military posts, one of which would be near the Black Hills. Brookings waited three weeks for his military companion and not meeting him started his expedition up the Cheyenne about July 1st, and was able to lay out a good road and bridge it where necessary as far as the forks of the Big Cheyenne, where he ceased operations in that direction, returned to the Missouri River and laid out the road to the Minnesota state line, establishing the eastern terminus on the eastern boundary of the territory near the Red Pipestone Quarry at Flandreau, a distance of 250 miles from the mouth of the Cheyenne. He returned on the 15th day of August, having done a good season's work, but not as complete or as extensive as contemplated because of the failure of the military to co-operate which was due to a radical change in the army establishment in every military department of the nation, and not to neglect or indifference. The Minnesota portion of the road starts from opposite the mouth of the Cheyenne River, running southeast along the Valley of the Missouri to the Crow Creek Agency, a distance of 100 miles, thence east across the territory to Pipestone, Minnesota, 160 miles. The route was substantially marked, and bridged where fords could not be found, but a larger appropriation would be necessary to put it in good condition for travel. Near the head of the Vermillion River the party encountered a herd of about one hundred buffalo, and enjoyed an exciting day's hunt, capturing three of the animals, and losing one horse or Indian pony, who got away and joined the herd, and defied all efforts at capture. The party had no trouble whatever with Indians. "Brookings Crossing" on the James, was near the modern Town of Forestbury.

A part of Colonel Sawyer's expedition, designed to build the road from Omaha, came from Sioux City by way of Yankton at this same time, and crossed the Missouri at that point. This cavalcade consisted of thirteen wagons, fifty yoke of cattle and twenty men. The main party went up on the Nebraska side to Niobrara where the Yankton party joined them. Sawyer had a military escort numbering twenty-five soldiers of Company B, Dakota Cavalry, and a large number of emigrant teams had joined his train in order to get the advantage of the military protection afforded. Mr. Sawyer passed up the Niobrara following it for about two hundred miles, passing by the southern base of the Black Hills, thence struck across the plains to Fort Laramie where he halted for a time. The expedition was constantly annoyed by hostile Indians who were aware that one purpose of the expedition was to explore as much of the Black Hills as was practicable. In the party were a number of miners who would overlook no opportunity to prospect. At one point about one thousand Indians coralled the train, severe fighting took place and Nathaniel Hedges, and Newell Sawyer were killed. The former was a brother of Charles and Daniel Hedges, two of the leading merchants of Sioux City, and the latter a brother of the commander of the expedition. There were also other casualties.

A change was made in the superintendency of the Sioux City and Fort Randall wagon road, February, 1866, G. C. Moody retiring. He was succeeded by an attache of the Interior Department, residing at Cincinnati, A. B. Miller, a professional engineer, who came on to Dakota and took charge of the work, the most important part of which was the construction of the bridges over the Big Sioux, Vermillion and James rivers, the Big Sioux bridge being the only one on which a beginning had been made, and was yet in an unfinished condition. There had been considerable delay in securing the iron work for the superstructure, and it had been found that the appropriation was not sufficient to complete it. An additional appropriation of \$10,000 was made at the same

rent session of Congress. The work upon which Mr. Miller engaged, the construction of the bridges over the Big Sioux, Vermillion and James rivers, progressed satisfactorily though not rapidly, under his superintendency, the delay being chiefly attributable to the tardiness of contractors in supplying material and damage from the spring floods. Work on the bridge over the James River had been going forward in a desultory manner since the summer of 1865. Mr. Miller was an excellent superintendent and doubtless had pushed the work as rapidly as circumstances would admit of. He had practically completed the Big Sioux and Vermillion bridges, which were first in order, and in 1867 had made some progress with the James River structure. He was taken ill at Sioux City early in November, 1867, and died at the Northwestern Hotel on the 9th of that month. His malady was called dyspepsia. He left a widow and two children who at the time of his death were in New York. His sudden death interrupted the work. He had ordered a large proportion of his material for the James River bridge from Chicago, shipping it to Council Bluffs thence up the Missouri by steamboat and delays in the reception of these supplies had prevented the rapid progress of the work. This bridge had been seriously damaged by the high water in the stream in the spring of 1867. The unfinished superstructure was lifted from the piers and floated off some distance, but was grappled in time to preserve a part of it. The remainder of the season was expended in returning it to its proper position and in supplying the material that had been damaged or floated off beyond recovery. And to add to the discouraging situation it was found that the appropriation was well nigh exhausted, and nothing further could be done by the Federal Government until a further appropriation was made. Under these circumstances the commissioners of Yankton County, supported by the unanimous sentiment of the people, submitted a written proposition to the secretary of the interior, Mr. Browning, to turn the entire matter over to Yankton County, including all material and whatever funds might be remaining, and the county would guarantee to complete the work forthwith. The secretary declined this proposal for the reason that he had no authority to enter into such an agreement, but authorized the county to take charge of the uncompleted bridge and material, and care for it until Congress should make the needed appropriation to complete the work, which it did at the next session and the bridge was completed in 1869 under the superintendency of Hon. John Lawrence.

The interior department ordered work suspended on the Big Cheyenne Wagon Road in the spring of 1866. The survey and a portion of the construction work on the road had been completed the year before, and the appropriation for the improvement had not been exhausted, and no cause for the discontinuance of the project was apparent. An explanation came out later, when it was found that the directors of the Union Pacific Railroad had, through General Curtis, a member of the peace commission and also a director in that company, represented to the department that the opening of the Cheyenne Road would be fraught with grave consequences owing to the uncompromising opposition of the Sioux Indians, who regarded the improvement as a pretext on the part of the whites to get into the Black Hills; on the other hand it was stated on the authority of men familiar with the Indians interested, that they desired the road built and traveled, because it would be the means to bring a class of whites through the country who would be generously disposed to the Indians, and whose sugar, coffee and flour were given out to them liberally by the emigrants; that the road would not jeopardize the safety of the Black Hills because its route would lead to the north from the forks of the Cheyenne.

In February, Mr. Brookings, who was superintendent of the Big Cheyenne Road, was relieved of his office and directed to turn over the public property in his possession to Colonel Sawyer, superintendent of the Niobrara Road. This action terminated operation on the shortest and most practicable route from the Missouri to the gold fields of Montana and Idaho, and caused great surprise and indignation among the people of the territory. The Government was committed

to the opening of this route, and valuable interests in Montana as well as Dakota would be detrimentally affected by its abandonment. An authentic statement giving the reasons for abandoning the project was given out from Washington a few weeks later, as follows:

The secretary of the interior has directed the suspension of surveys for certain wagon roads in the territories. This has been done upon the recommendation of L. B. Taylor, of Nebraska; Maj. Gen. S. R. Curtis, General Sibley, and Henry W. Reed, of Iowa, a majority of the commissioners appointed to treat with the hostile Indians of the Upper Missouri last autumn. In their judgment it would be highly impolitic and dangerous to make any further surveys of routes through a country inhabited by felon bands of Sioux Indians before the negotiations contemplated with the bands and tribes, as well as those already negotiated, have been fully completed and the annuities under the latter fully paid as stipulated.

There were reasons for believing that this recommendation of these gentlemen connected with the Indian peace commission was not given solely because they apprehended any objection from the Upper Missouri Indians, but in response to the influence of the Union Pacific Railroad then being constructed, whose policy was to discourage the opening of the Upper Missouri routes, and to direct emigration to the gold fields along and near the line of the great railway. In evidence of this, an article from the treaties made in 1805, to which these objecting gentlemen were a party, is here quoted:

Article 4th. The said band represented in council shall withdraw from the routes overland already established or hereafter to be established through this country, and in consideration thereof, and of their non-interference with the persons and property of citizens of the United States traveling thereon, the Government of the United States agrees to pay the said bands, etc., here giving the consideration, time of payment annually, to extend for twenty years.

This article fourth was a part of all the treaties with the Missouri tribes; and a significant fact is that the Sawyer's Wagon Road from Sioux City via the Niobrara, and the Big Cheyenne Wagon Road were the only Upper Missouri roads then authorized by Congress. It is clear that these commissioners, who had induced the secretary of the interior to suspend the work, had forgotten this treaty stipulation or were guilty of gross misrepresentation in order to assist a rival route at the great expense of the emigrant in time and money. The Union Pacific Route, from the nearest point to the gold fields of the Northwest on their line, was greatly inferior in every essential feature for a wagon road and nearly double the distance of the Cheyenne Route.

Colonel Sawyer, who had charge of the Sioux City and Niobrara Valley Wagon Road to Idaho, went out in 1866 to complete his work begun in '65. He was provided with a military escort consisting of twenty-five men, and had great need of a larger force, for much of his time was consumed in counseling and fighting with the hostile bands of Indians, who looked upon his expedition as a Black Hills crusade. The conflict known as the Battle of Crazy Woman's Fork was fought by Sawyer's military and civilians, in which five soldiers and one lieutenant were killed, and a number of whites wounded with arrows. The expedition was most continually harassed by Indians, which made its progress slow, and for 100 miles in the country south of the Black Hills region, the command encamped in the neighboring Sand Hills, where, though exposed to many privations and discomforts, they were exempt from the stealthy attacks of the savages. The expedition finally passed beyond the Black Hills country and were no longer molested by the Indians, and finally reached Fort Reno and Piney Fort, on Powder River, Montana, and from that point went on to Virginia City. Owing to the Indian difficulties this expedition was prevented from making such an examination of the country as was necessary to determine whether a practicable highway could be found through that region, and the route was never opened or traveled, at least that portion of it along the Niobrara. The strenuous opposition of the Indians which Sawyer encountered did not spring from opposition to the

wagon road to Idaho nor from any feeling of hostility to the Government, but grew out of their suspicions that their cherished Black Hills were to be invaded and taken from them.

ARMY VS. CIVIL CONTROL OF INDIANS

The harmonious relations between the civil authorities of Dakota and the military authorities of the department of Dakota commanded by Gen. John Pope, Milwaukee, began to be disturbed during and after the campaigns against the Indians in 1864. There was a feeling on the part of our civil authorities that more could be accomplished by treaty with the Indians than by fighting them, and at less expense; and Governor Edmunds, of Dakota, was quite in earnest in his efforts to induce the Washington authorities to give his treaty plan a trial. On the side of the governor were about all the influential whites in the Indian country, including the missionaries, the traders, and many prominent and influential civilians at Washington and Philadelphia, and also to some extent, the business interests of the territory which felt the injury done to immigration, and desired a return of peace when eastern people could feel secure in coming here and taking up the land.

In his message to the Legislative Assembly of 1864-5 and in his official character Governor Edmunds had taken a position in favor of abandoning Indian expeditions and war as a means of securing peace with the Indians, affirming that peace could be had for only a fraction of the cost of an army, and without the sacrifice of human life by means of treaties properly entered into and judiciously observed. The governor was ex-officio superintendent of Indian affairs in Dakota, and was therefore in a position to speak advisedly and authoritatively on the subject. The two campaigns under Sibley and Sully in 1863, and the campaign under General Sully in 1864, had cost a number of lives, both whites and Indians; had been attended by an immense outlay of Government money, and though the Indians had been beaten, their property destroyed, and their organized fighting forces broken up, they were regarded as still hostile and a serious menace to the peace of the frontier, and to the continuance of immigration, and the military power was still depended upon to protect the settlements and control the enemy.

It was presumed that all parties wanted peace; but the official avenue through which this peace movement had been inaugurated was looked upon by a portion of the military people in authority as an unwarranted interference with their prerogatives. The army, they claimed, had found and subdued the hostile savages, and now if the latter wanted friendly relations restored, let them sue for it to the military power. Thus would they be taught to respect that authority; while the policy of interference by the civil authorities would tend to belittle the influence of the army with the savages. The army they claimed was entitled to the moral as well as legal support of the Government. This difference of opinion raised a serious question that was not finally disposed of for a number of years, and gave rise or rather contributed to the peace policy of the Government. The question became an issue in the politics of the territory in 1865, and the people of the towns were divided in sentiment, but the contention seemed to be governed largely by the selfish motive as to which policy was best for the material interests of the white people of the territory, and had little regard for the welfare of the Indian; one side contending that military control meant a large army of consumers in the territory and the expenditure of large sums among the farmers for grain and cattle; while their opponents insisted that there would be greater gain to the farmers in the more rapid influx of immigrants who would take up the vacant lands, establish schools, pay taxes, improve roads and build bridges, and from this source more substantial benefit would be gained to the whites, than from a prolongation of the frontier troubles which would tend to drive immigration to other territories and imperil the safety of those already settled in the

territory. The sequel proved that the whites in the territory by a large majority favored a peace policy.

The governor's proposed policy was not approved by the military people; and those acting with him, including several prominent civilians within as well as without the territory, were indirectly accused of throwing obstacles in the way of the army that only served to encourage the Indians in their hostilities, but strengthened them for conflict.

On the other side and in retaliation, the military were accused of prolonging the troubles that they might continue to hold high positions and control immense patronage and great authority. The Civil war had made marvelous changes in the personnel of the United States army. From a small body of 28,000 men, with little duty, except to garrison a few military posts and protect the public property, it had suddenly become a mighty army of nearly a million men. Military training and education had been at an exalted premium, and many of the young officers had gained a higher rank in the few years of the war than would have been gained in a life time of service under the ordinary conditions of peace. The Civil war closed in 1865, late in the spring and early summer and there was no time lost in mustering the Union soldiers—the enlisted men—out of service, and returning them to their homes and the industries of peace. And this left a number of officers of the regular army without a command, or other suitable employment. The military departments were reduced in number by consolidation, and some were altogether discontinued. In some few very distinguished instances, the country desired to reward its greatest heroes by special marks of its gratitude. It was therefore not a difficult matter for the captains to discover a selfish motive on the part of the military authorities of the department to keep up the campaigning against the Indians, even when there did not seem to be a longer necessity for it, for the great bodies of hostile Indians had been thoroughly subdued and weakened by the disastrous defeats they had suffered in 1863 and 1864, and their condition in 1864 was discovered to be that of an enemy incapable of making a stubborn resistance. The military gentlemen, however, were strongly intrenched in the war department, and had powerful friends in Congress, while they had also the support of the no-good Indian sentiment throughout the country. The verbal and written conflict went on between the two authorities, and took on more bitterness with age. The newspapers discussed the matter and the majority largely favored the civil side and as war had grown unpopular the advocates of peace treaties as a substitute for force had the popular breeze with them.

In August, 1865, in response to a very general and respectable sentiment prevalent in the country, President Johnson appointed a mixed commission, composed of eminent military men as well as civilians to visit the Indian country and make treaties with all the Indian tribes in the Northwest who had recently been engaged in hostilities. Congress at its late session had appropriated \$20,000 to defray the expenses of such a commission body. The commission consisted of Newton Edmunds, governor of Dakota; Gen. S. R. Curtis, commanding the Dakota military division; Gen. H. H. Sibley, Minnesota; Edw. B. Taylor, north-western superintendent of Indian affairs of Omaha; A. Guernsey, Janesville, Wis.; and Rev. Henry W. Reed, of Dubuque, Ia. This commission met at Yankton on the 20th of September and elected Governor Edmunds, chairman, and spent several days arranging their plans. They got away for the Indian country on Monday, the 25th of September, taking the Steamboat Cylipso, which they had chartered for their use. The season of navigation was drawing to a close but word had been sent to all the hostile tribes and there was no doubt they would meet the commissioners, so that the board felt it all important not to disappoint them. The usual delays in river navigation were encountered, but in spite of all difficulties, treaties of peace and amity were made with the representatives of nine different tribes of the Sioux, all of whom had been engaged in the hostile ranks in 1863 and '64; these were the Minneconyoux, Brules, Lower Brules, Two

Kettles, Blackfeet Sioux, Ogalalas, Uncpapas, Upper and Lower Yanktonnais and Sans Arcs. The lateness of the season prevented as full an attendance at some of the councils as was desired, and there were some of the Black Hill bands that did not come in, but it was discovered that the sentiment of the Indians was overwhelmingly for peace at any price, and the work of the commission was also timely as it satisfied the Indians that the Great Father was still friendly disposed; that he was willing to overlook their past hostile conduct, and would extend to them a helping hand as rapidly as they exhibited a disposition to receive it in good faith. The entire Indian population of the Northwest learned of these peace movements in a short time and there was a noticeable change for the better in the conduct of all the tribes. It was one of those victories that give force to the axiom that "peace hath her victories no less renowned than war," and the entire cost or expense to the Government of the commission was less than would have been required to maintain a company of cavalry on the frontier for a year. There was no change in the disposition of the troops because of these peace measures and none was expected for several months, at least until the new routes to the mines in Montana were opened and other treaties made with the remainder of the Sioux Nation. The Minneconyoux and Sans Arcs were the owners of the soil over which the Brookings Wagon Road was laid along the Big Cheyenne, and they were given about twenty-five thousand dollars for the right of way for that thoroughfare.

The Indian commissioners did not complete their work with all the hostile tribes in 1865 and another expedition for a similar purpose was undertaken in 1866 with the expectation of going to the head of navigation on the Missouri. Commissioners Sibley and Taylor were detached to conclude a treaty with a tribe in Western Nebraska, the others named constituting the Missouri commission. They left Yankton on the Steamboat Ben Johnson, June 11, 1866, Hon. M. K. Armstrong accompanying the party as clerk. At Fort Rice the commission found about five hundred and seventy lodges, or 3,000 Indians belonging to the Upper Yanktonais, Blackfeet, Sans Arcs and Ogalalas, with whom they arranged terms of peace. A treaty was also made with 188 lodges of Santees who had sent a delegation to Rice for that purpose, claiming that at no time had they engaged in war against the whites, and had been in the company of hostile Indians only under compulsion.

At Fort Berthold a council was held with the Rees, Gros Ventres, Mandans and Cheyennes, all independent nations and all occupying a friendly position toward the Government except the Cheyennes. These Indians had not been engaged in hostilities against the Government, but were at constant war with the Sioux which it was desired to terminate in the interest of civilizing both combatants. A cession of lands was also made part of the agreement. The treaty obligated the Arickarees and their associated tribes, the Gros Ventres and Mandans to perpetual peace and friendship by abstaining from all hostilities; the Indians also agreed to the construction of roads, highways and telegraph lines through their country; they agreed to surrender to the United States lawless persons guilty of criminal acts; that they would not make war upon other Indians; and that no intoxicating liquors shall be introduced among their people. The United States agreed to expend for the benefit of said Indians, in goods, provisions and implements the sum of \$10,000 annually for twenty years, in purchasing such needed supplies; in employing farmers and mechanics and school teachers to instruct them and their children. Further:

And the chiefs and headmen of the Gros Ventres and Mandan tribes, associated with the Arickarees, do agree as follows:

It being made known to all the tribes thus associated that the United States may desire to connect a line of stages with the Missouri River, at the salient angle thereof, about thirty miles below Fort Berthold, and may desire to establish settlements and mechanical structures to accommodate the growing commerce and travel, by land and river, the chiefs and headmen of these several tribes do hereby convey to the United States all their right and title to the following lands, situated on the northeast side of the Missouri River, to wit:

Beginning on the Missouri River at the mouth of Snake River, about thirty miles below Fort Berthold, thence up Snake River and in a northeast direction, twenty-five miles; thence southwardly, parallel to the Missouri River, to a point opposite and twenty-five miles east of old Fort Clark; thence west to a point on the Missouri River opposite to old Fort Clark; thence up the Missouri River to the place of beginning.

As a further consideration on the part of the United States it was agreed to pay to the Gros Ventres and Mandan tribes the sum of \$5,000 annually, in goods, at the discretion of the President.

A more formidable enemy than Indians was encountered by the members of the commission in the myriads of hostile mosquitoes above Fort Berthold, bred from the carcasses of thousands of decaying buffalo which lined the banks on either side. The insects would attack the people on the boat at sundown, and thereafter gave them no opportunity to sleep. On one occasion the attack was of such a serious character and so prolonged that it caused a panic among the women and children who had taken passage for some points in the upper river, and fatal results were apprehended as the result of their sufferings. The boat was tied up as was usual during the hours of night, and not a person on board made any effort to sleep. Mosquito bars were no protection, and in desperation the captain weighed anchor and started the Ben Johnson up-stream through the gloom at 1 o'clock in the morning, piloted by a small boat. Once out in the channel a refreshing breeze was encountered, and the plague largely disappeared.

At Fort Union the commission found about five thousand Indians, three-fourths of whom were not Sioux but were among the hostile tribes. These were the Crows, the Assinaboines, Black Feet and Bloods. Treaties were effected with all these people with very little difficulty. They were opposed to further hostilities and desired to be again restored to the Great Father's favor and receive his counsel and rations. The Indians generally accepted the proposition of the Government that they should, as far as possible, abandon their savage mode of life and make a beginning in a settled and industrial career.

All the foregoing treaties were nearly identical in their provisions and related to the maintaining of peaceful relations; the Indians to receive certain annuities and protection; their reservations to be respected; and a sum of money was granted to each amounting in most instances to ten thousand dollars, to be expended for them under direction of the President as a consideration for certain overland wagon roads from the Missouri River to Montana, which pass through the Indian country. The Indians were also to be given substantial assistance whenever any of them desired to enter upon a civilized mode of life and cultivate the soil by being furnished with a farmer, blacksmith and school teachers at the expense of the United States. These treaties, with their provisions further elaborated, were in large part superseded by the Laramie treaty of 1869.

A treaty was negotiated with the Lower Brule band of Sioux Indians in 1865, which provided that in consideration of the Brules becoming and remaining friendly and withdrawing their opposition to the overland routes already established or to be established through their country (west of the Missouri), the Government of the United States would pay them \$6,000 annually for twenty years, and also set apart for the tribe a reservation near the mouth of White River to include Fort Lookout, twenty miles in a straight line along the Missouri River and ten miles in depth, and when fifty lodges or families should occupy said reservation the United States would furnish to each the sum of \$25 a year for five years to be expended for live stock and agricultural implements.

As has been stated the peace commission on their first visit to the hostile Indians in 1865 found the Indians anxiously prepared to make peace; but the hostile spirit had been actively manifested during the summer and but a few weeks before the Great Father's commission came with the olive branch, numerous small war parties continued their depredations and kept the frontiers in continual excitement. Troops were kept busy. The steamboat traffic had grown immensely owing to the gold discoveries in Montana and Idaho. The steamers Sam Gaty, Benton,

Welcome, Silver Heels, Roanoke, J. H. Lacy, David Watts, Fannie Ogden, A. Majors, Magill, Mars, Prairie State and Spray were all in the upper river before the end of May, 1865, and all were more or less armored as a protection against the bullets and arrows of the savages who held the steamboat in deadly aversion. The Steamboat Benton reached Yankton on her return trip from Fort Benton in August, 1865. She had been in the upper river between three and four months, having been impressed into Government service to transport supplies and troops from point to point, and had been frequently attacked by skulking war parties. Her captain estimated that the craft had been the target for at least one thousand shots but no man had been hit. There were thirty-three bullet holes in the upper portion of the boat where the armor had failed to protect it, and the chimneys were decorated with scores of indentations where the bullets had struck them.

There was a radical change in the military program early in the summer. The original design was to send a small expedition of about one thousand men under General Sully up into the Black Hills and Yellowstone country, for the purpose of constructing a fort near the forks of the Cheyenne and another on Powder River. The military forces consisted of one battalion of the Seventh Iowa, Colonel Pottee; four companies of Brackett's Minnesota Battalion, and five companies of the Sixth Iowa Cavalry under Lieutenant Colonel Ten Broeck; all under command of Brigadier General Sully. The expedition got away from Yankton on Tuesday the 13th of June, intending to proceed up the river to the mouth of the Big Cheyenne and accompany Brookings wagon road expedition up that stream to the forks. A number of changes had taken place during the summer in various military departments, many of them no longer rendered necessary owing to the termination of the Civil war; and the Department of Dakota, which had not been before disturbed, was made a part of the Department of the Northwest, headquarters at St. Louis, with the famous Gen. W. T. Sherman in command; and about the same time General Pope was superseded by General Curtis. Two days after General Sully left Yankton Major Weed, of General Curtis' staff, reached that point bearing dispatches from headquarters, and pushed on the same night to overtake Sully. The effect of these dispatches was to cause a change in the destination of General Sully, who was ordered to proceed to the Devil's Lake country and select a site for a fort. This explains why Mr. Brookings failed to get his military escort for his wagon road expedition to the forks of the Cheyenne. General Sully therefore did not cross the Missouri, but continued up the east side of the Missouri to a point above Fort Rice, and then marched his command across to Devil's Lake, and selected the site for the new army post, Fort Totter, and constructed some log barracks, enclosing them with a stockade. He left a sufficient force to protect the public property and defend the post and returned to Fort Sully in the fall with the Iowa troops. As the three years of service of the Iowa Volunteers expired that fall, they were sent to Sioux City and mustered out. No difficulty was met with from the hostile Indians on the trip. The comparatively few unrepentant and warlike ones that had infested the Devil's Lake region retired into British America. These were Inkpaduta's band of Santees, and another band of the same tribe under Standing Buffalo, and two or three hundred Yanktonais who had fought against Sibley and Sully in 1863. (See Pope's order in 1866.)

While General Sully was engaged in his work of establishing Fort Totter he was apprised that a large body of Indians who had been engaged in hostilities against the Government forces the year before would meet him at Fort Rice and sign a treaty of peace. The general's orders would not permit of his engaging in making treaties, the Government having appointed commissioners for this purpose, who were then about to start on their mission. This was the Edmunds peace commission. The Indians who had signified their desire to make a treaty were largely the Yanktonais who had belonged to Big Head's forces and Santees who had remained in the hostile camp.

FORT DAKOTA AND FORT JAMES

The military authorities of the District of Dakota were busily employed during the season of 1865. Measures to protect the settlements of Dakota against any future hostilities were adopted, the prominent feature being the erection of military posts at Sioux Falls and near the mouth of Firesteel Creek, on James River. These posts were built during the summer and garrisoned by 100 men each. The troops were employed in patrolling the country between the forts, the same system being employed between Firesteel and the fort at Crow Creek, thus making a patrol guard along the frontier from Sioux Falls across to the Missouri at Crow Creek. No hostile body of Indians could slip through the lines undetected and they seldom made this attempt. The site of the fort at Sioux Falls was located by Lieutenant Colonel Pottee of the Seventh Iowa. The fort was built of stone, and was of sufficient capacity to accommodate 100 men, a year's supply of provisions and stabling for 100 horses. It was first named Fort Brookings, but later, by order of the War Department, it was officially called Fort Dakota. That section of Dakota had been abandoned in August, 1862, and no attempt at settlement had been made there in the meantime owing to the Indian troubles. In the summer of 1865 there was not a sign of white man's habitation between James River and Sioux Falls along the section of country usually traversed in going from Yankton to that place, and no settlement was attempted in Minnehaha County until late in 1867. A. F. Hayward, of Yankton, who was a member of the New York colony, was the first sutler, assisted by Christopher Brookings, a nephew of Judge Brookings, who had come out from Maine during the spring.

The site for the fort on the James River was also selected by Pottee. It was on the west bank of the stream about sixty-three miles from Yankton and fifty-seven miles from Sioux Falls. Its dimensions were 152 by 200 feet, intended to accommodate eighty men and animals. The materials used in the construction was stone and hewn timber. It was named Fort James and was garrisoned by one company of the Sixth Iowa. Maj. W. P. Lyman, of Yankton, was appointed sutler.

Notwithstanding the success of the peace commission in effecting treaties with the hostile tribes, the realignment of the Indians on the Dakota reservations caused a great deal of commotion and gave the appearance of serious disturbance at some points where a large population of Indians were gathered. At and in the vicinity of Fort Thompson there were several thousand natives of the untamed and untutored class. Dr. H. F. Livingston, who was the surgeon at Fort Thompson, visited the settlements about this time, and commenting upon the Indian situation, explained that while the Indians were not manifesting any unusual unfriendliness toward the whites in the country there was a continual state of war between the Sioux and the Indians of other tribes. One serious cause of trouble that was apprehended would grow out of the removal of Southern Indians to that country which already had more than it could well subsist. The increase of Indian population was a heavy tax on the natural resources of the country in the line of fish and game, and there was a good deal of complaint about the lack of subsistence. Even the aid extended by the Government was not sufficient to keep the wolf from the door, and the authorities at Fort Thompson, which was under the supervision of Major Hanson, were making every legitimate effort to feed and clothe the savages, in order that they might have no pretext for committing depredations. The Indians in time of plenty are prone to be improvident, and not at all like the proverbial ant who in summer lays by a store for winter. And where an Indian does exercise summer frugality for winter's use, his poor indigent relations will consume it all before the winter is half over. An Indian's hospitality toward his kindred is limited only by his last crust.

Gen. William Tecumseh Sherman was placed in command of the military Department of the Mississippi in the fall of 1865 with headquarters at St. Louis.

Dakota was in this department. In January, 1866, Governor Edwards applied to Sherman for military protection for the settlements, there being a general apprehension that the new Indian policy of the Government had resulted in exposing the settled portions of the territory to imminent danger from Indian depredations. Sherman, in replying to the request of the governor, said:

I assure you that the care of the interests of the emigrants and the people who choose to cast their fortunes amid the Rocky Mountains, shall ever have all the protection which the military can give, but no people know better than you of Dakota, that the volunteer army is now substantially out, and that our regular army is too small to do more than guard key points in that vast region known as the plains.

This was equivalent to saying that there were not troops enough in the regular army to do more than garrison the widely scattered forts, leaving the settlements to their own defense. The Dakota settlements were not, however, entirely without military protection. There was a small force at each of the border posts, to-wit: Fort Randall, Fort James and Fort Dakota, but these troops were not employed in patrol duty, and bands of Indians could reach the settlements without detection. Later in the season the settlers on Brule Creek, represented by W. W. Frisbie, Joseph Collins, Caleb Cummings, Alva Hubbard, Albert Gore, R. L. Shattuck, Harvey F. Fairchild and Henry E. Hyde, sent a petition to the governor asking that a detachment of troops be stationed in that neighborhood as a measure of precaution against lawless Indians. Their fears had been stimulated by a band of Santees, hunting and fishing in that vicinity, and they recalled the tragedy of the killing of LaMoure and the wounding of Watson, in that vicinity the summer before. Secretary Spink, who was acting governor at the time, took the matter up and secured a detachment of troops from Fort Dakota, and had them stationed on the Brule during the farming season. This led to a more rigid enforcement of the regulations prohibiting Indians from leaving their reservations, and special messengers were dispatched to gather in the Indians who had left the reservations for the hunting grounds and fishing pools.

An order from headquarters of the Northwest military division, issued in February, 1866, designated the fort at Sioux Falls as Fort Dakota instead of Fort Brookings; and the fort near the mouth of the Firesteel Creek as Fort James instead of Fort LaRoche. An order issued in March assigned the second and third battalions of the Thirteenth Infantry to General Sully's department of the Upper Missouri, and he was instructed to station the different companies at Forts Union, Berthold, Rice, Sully and Randall; also one company at Fort Dakota and one at Fort James. Three companies were set apart to construct a military post on the north side of the Black Hills on the Belle Fourche or the north fork of the Big Cheyenne. This was the first step toward the establishment of Fort Meade.

There was an annual election held in the Territory of Dakota in 1865 when a full legislative membership was chosen, but for some cause there was much less discussion of the subject than is usually the case. The Johnson-Congress difficulty had not assumed such proportions in the territory as to cause much comment in political circles; but the peace policy which it was proposed to inaugurate for the control and management of the Indians, and dispense with the military, was quite generally discussed and partisans for both the civil and military control were not only numerous but were quite equally divided without regard to their party predilections.

The close of the Civil war had aroused an expectation of numerous immigration of the ex-soldiers who had been given valuable inducements to settle on the public lands being allowed all of the time of their service in the army to apply on that required by homestead settlers before they would be entitled to prove up; and the subject of immigration was considered of the first importance to the welfare of the territory in its then sparsely settled condition, and it was believed that one of the greatest aids in securing a greater population was the

proposed peace policy in governing the Indians. On the other hand the Government had been expending hundreds of thousands of dollars annually in the territory to support the army and maintain the forts. A surprising proportion of the active business men of the towns were interested in profitable contracts; merchants shipped largely of supplies to the population of the posts and Indian agencies; and the wagon transportation which employed the owners of teams, and which was in evidence every month in the year but more noticeable when the Missouri River was closed with ice, was a wide-spread industry that distributed money to all the settlements and nearly every farmer's home. Therefore there was a strong sentiment which favored preserving "the goose that laid the golden eggs."

It appeared to be a prevalent though erroneous opinion that military control meant a continuation of Indian hostilities, which would operate to discourage the settlement of families on the open prairies, and thus retard the growth of the territory; while the peace-by-treaty sentiment would quiet all such apprehensions; families would venture out and occupy the fertile valleys, thousands in number; railroads would seek the territory to get the traffic which the thousands of cultivated farms would produce, and thus a permanent and growing prosperity would be established, roads would be opened, churches and schools organized, and Dakota would flourish.

It was recognized that the influx of lucre from the army establishment must of necessity be only temporary—a few years at most—and in the meantime the substantial interests of the people would be neglected and immigration would seek other fields. And inasmuch as the Legislature to be chosen was expected to be a powerful factor in deciding the issue through the influence of memorials to Congress and the President, expressing the sentiments of the people, a candidate's view of the questions involved became a matter of public concern; and for the reason that at this time and for many years thereafter, Dakota Territory was the theater of the republic where the Indian race was the most numerous and the most warlike—the most barbarous—and where the solution of the problem of civilizing the savage was to have its initiative and its final failure or triumph.

There were at this time but six completely organized counties in the territory, each one having one or more unorganized and uninhabited counties attached for "judicial and election purposes," and for its influence upon newcomers, who were expected to scrutinize the map closely and select a home within the protecting aegis of well defined boundary lines. In most of the counties mass conventions were held and legislative tickets nominated harmoniously by selecting one republican and one democrat alternately until the nominations were made. In others, notably Yankton, a convention was called and assembled, but there was such radical disagreement over the Indian control question (Yankton having a large interest in military contracts), that the convention adjourned without making a nomination, and independent tickets were made up two or three days before the election, which occurred October 9th. The membership of the Legislature chosen proved to have suffered little in point of ability and probity, in comparison with former law-making bodies. It was made up of good citizens, who were inclined to be moderate in their partiality, preferring more than anything else to retain the patronage of the troops and secure immigration also by the promise of the ready market afforded and the high prices paid by the military people and the inhabitants of the Indian agencies, for the luxuries and necessities produced by the Dakota farmers.

The political sentiment of the members, measured by the test of Johnson vs. Congress, was discovered to be favorable to the President, who controlled the appointments; and was nearly equally divided between old-time republicans and "Old Hickory" democrats.

A detachment of troops from the Fiftieth Wisconsin Infantry whose term of service had not expired, having been enlisted and mustered in 1864, for three years, reached Yankton on the 8th of September, 1865. They were on their way

to Fort Rice, a distance of 700 miles, and had to make the journey by land, as the steamboats that would be sent up were almost certain to be delayed and possibly unable to get through owing to the lateness of the season and low water in the Missouri. About seventy-five of the troops had been so favorably impressed with the country after passing the Big Sioux that they concluded to become citizens and residents of Dakota, and while at Vermillion, where the United States land office was located, filed on seventy-five homesteads in Union County, upon which they intended to locate upon the expiration of their terms as soldiers. They were nearly all farmers' boys. At the land office the officials and clerks worked the entire night filling out the necessary papers, in order to accommodate the soldiers' colony. Under the law they could take their homesteads and were not required to reside upon them until six months after their term of service expired. The years spent in the military service were counted as part of their residence. The boys were lost sight of in later years and how many of them fulfilled their declaration to return and complete their residence is not known to the writer.

A distressingly tragic affair was reported to have occurred during the march of these troops across the Yankton Indian Reservation two or three days later, being the fatal shooting of one of the soldiers by a civilian who was traveling with the troops. As unofficially reported the story was that a private soldier, while in camp, discovered upon a distant bluff a man whom he took to be an Indian and so remarked to the captain, adding: "I'm going to take a shot at him." Suiting his action to the word, he raised his gun and fired—the man fell. Going up to the place with the captain it was discovered that the ball had struck with fatal effect, and there before them was stretched out the dead body of the captain's brother, who had strayed away from the command and mounted the bluff to view the country.

A grand jury of the Third Judicial District afterwards sifted the affair very thoroughly at its session in October following. Horatio H. Larned, the young man who did the shooting, had been arrested and placed under guard at Fort Rice after the company reached that post. The name of the man killed was Theodore Putnam. The prisoner was not a soldier, but a civilian whose father resided at Fort Rice, and he was going up to join him. The grand jury investigation brought out the following facts:

While in camp on the Yankton Reservation, near twilight in the evening, some of the soldiers discovered the form of a man on a bluff three-quarters of a mile from camp, and supposing it to be that of an Indian (as strict orders had been given that no soldier should leave camp) prowling around for the purpose of stealing stock, proposed to fire upon him and scare him away. Larned, who was sitting by the fire reading, jumped up, seized his gun, aimed and fired, and the man fell, though it was not thought in camp that he was hit. No further attention was paid to it that night. The following morning Putnam was missed and a search was made, revealing his lifeless body near the spot where the supposed Indian stood the night before. Under this statement the grand jury refused to find a bill and Larned was discharged.

An all-day battle took place in August, 1865, between Company G, Sixth Iowa Cavalry, Captain Moreland, at Fort Rice, and a large number of mounted hostile Indians, possibly five hundred. It was something of a novelty in the way of a battle, as it occurred on the plain, back of and adjoining the fort, and within full view of civilians inside the fortifications. The Indians had nearly surrounded the post except on the river side, and advanced to attack, forming a semi-circle. The troops were ordered out and the first battle raged for about three hours on the level plain, the Indians occasionally retreating behind a ridge of hills a mile away, from whence they would emerge and charge in force and with persistent courage upon the troops, who always met them with a galling and deadly fire and were supported by two field pieces that seemed to possess more terror for the Indians than all the soldiers. The Indian weapons most

dreaded by the soldiers were their bows and arrows. An arrow wound is much more severe than a gunshot wound, and although it may be but a slight one it is apt to leave a legacy of pain and sickness and possibly prove fatal. In this battle the arrow inflicted all the injury, although many of the redskins were armed with guns. One soldier was mortally wounded by an arrow that was buried in his side; the surgeon extracted the arrow but could not save the poor fellow's life; another was killed outright by an arrow penetrating his breast, which reached his lungs, and a gunshot very close to it; another was severely cut in the head, and still another caught a barbed arrow in the fleshy portion of his thigh which hung there until the injured man could be carried into the fort and the missile cut out. Scores of Indians were seen to fall. Their companions would throw the dead and wounded upon the backs of their ponies and run them back behind the ridges. The Indians were superbly mounted and seemed to be a part of the animals they bestrode. Scores of them were flying across the plains at the same time in some instances, shouting, firing as they flew, and sending out volleys of arrows. The troops, however, had orders to remain near the fortifications, as they were certain to be surrounded and cut to pieces if small bodies got off beyond the reach of the company. The Indians were described as magnificent riders and were frequently seen going at full speed standing upright on the back of the animal and sending their arrows out promiscuously among the troops. They seemed to have an inexhaustible supply of ammunition. The first battle lasted three hours, beginning before breakfast in the morning. It was the principal affair of the day, but the Indians continued to harass the fort the entire day, and troops were kept in the field until sundown, the Indians making occasional sallies in small bands.

The combatants on both sides were afterwards highly extolled, the Indians for their superb horsemanship, and the troops for their courage and skill, and the successful direction of the affair. The Indians finally withdrew after hanging about the fort for a week—taking with them a few good cavalry horses that had strayed away from the herd. This brief account of the battle was had from an ex-army officer who was an eye witness and sutler at the fort. He had spent years on the frontier and he pronounced it the nearest approach to a battle between soldiers and Indians he had any knowledge of.

The farming settlements of the territory were thrown into a condition of wild and dangerous excitement by the boldest kind of an Indian raid made by four well armed Indians upon some Brule Creek settlers who were employed in the hay field near Brule Creek and within a half a mile of the Big Sioux River in Union County. The settlers attacked were Thomas C. Watson, E. B. La Moure, and Mr. Fletcher and his wife, who was assisting her husband. The raid occurred in the evening of Thursday, October 10, 1865, about 6 o'clock, just as the hay-makers were getting ready to quit work and return to their homes. The Fletchers were at work about eighty rods from Watson and La Moure. Watson was driving the team hitched to the mower and La Moure was following, when suddenly an Indian sprang out of the grass not twenty feet distant, and poured a rifle ball into La Moure's breast, killing him instantly. He then rushed out at Watson with his bow. Watson was not armed and concealed himself behind his horses. The savage poured a volley of arrows at him, and finding nothing to do but run for it, Watson started for the cabin, the savage following and firing at him with his arrows, one of which struck him in the shoulder, causing a very severe wound. Watson managed to escape, and the savage returned and made off with the team. The Fletchers were attacked by two Indians at the same time who were armed with bows and arrows. Mrs. Fletcher prevailed on her husband to save himself by flight, telling him that the savages wouldn't harm her. Fletcher started to escape, but turned back, and received an arrow in his arm, inflicting a painful wound. Mrs. Fletcher shouted to him to run, knowing that he would be killed if he couldn't get out of the way, and he started the second time and made good his escape. Mrs. Fletcher was

on top of a load of hay, and the savages came up and detached the horses from the wagon, not offering to molest the woman. Mrs. Fletcher, however, showed fight, and attacked an Indian with the pitchfork, striking one of them a severe blow, when he grabbed the implement, wrenched it from her hands and struck her a blow with it in retaliation. The other then attacked her with his arrow, shooting once through her dress and skirts, and leaving a mark across her body. He would have killed her, but his companion interfered and told him she was a brave woman and ought to be spared. Mrs. Fletcher understood the Sioux language, and then gave the Indians to understand that if they only wanted the horses to take them and leave, which they did as rapidly as they could, striking across the Sioux into Iowa, thence to the Rock River. They were followed soon after, and their trail was not lost until they reached the Minnesota state line, when it disappeared. One of the Fletcher horses was found with a rifle bullet in his brain about twenty miles from the scene of the massacre. The Indians were never discovered, but they were Sioux and probably a fragment of the Santees who had left the reservation. The E. B. La Moure who was killed was an elder brother of Judson La Moure, who has since been quite prominent in the affairs of the territory and of North Dakota. Judson was living with his brother at the time and was one of the first to reach the scene of the massacre. He also joined the pursuing party of nine settlers, who followed the trail of the Indians a distance of seventy miles. Governor Edmunds received intelligence of this affair a few hours after it occurred by a courier who rode up from the Brule settlement. Governor Edmunds made immediate preparations for visiting the alarmed neighborhood and set out about midnight for Brule Creek, reaching there early the next morning. He immediately communicated with the military authorities at Yankton, Sioux Falls and Sioux City, urging prompt pursuit of the Indians, and requesting that a detachment of troops then at Vermillion be ordered to the Brule Creek settlement as a means of quieting the apprehensions of the settlers and discouraging any feeling of deserting their homes. The killing of La Moure was deeply deplored. He was one of the best citizens of the county and as a matter of course was warmly esteemed, but the injurious effects of the raid were of the most serious kind in stirring up a feeling of alarm throughout the settlements of the territory, and in putting an effectual stop to immigration. The atrocity was the act of four Indians acting on their own diabolical motion, and did not mean that Indian troubles were impending or that the safety of the settlers was threatened except in this stealthy way by small bands who could creep into the settlements unobserved, steal and do murder, and escape. There were no further raids that fall, and that was the last of the bold incursions which the Indians made upon the settlements.

Mr. Watson did not witness the attack on the Fletchers, as they were off about a quarter of a mile and were attacked by another party of Indians, but he had a very clear knowledge of the details of the tragedy in which he came near losing his life. His statement was to this effect:

For two or three days E. B. LaMoure and myself had been cutting and making hay near the Sioux, about $1\frac{1}{2}$ miles from home. On the afternoon of August the 10th, the sun about an hour or an hour and a half high, I was running my mowing machine with E. B. LaMoure, having a horse team hitched to the same. Mr. LaMoure had been cocking hay and had just finished and dropped in some two or three rods behind me with a pitchfork in each hand, walking leisurely along. The savage lay behind a hay cock, directly in rear of us, or nearly so. At this juncture he shot Mr. LaMoure with a rifle, the ball striking the back bone opposite the heart, seemed to range toward the heart, and did, in all probability, hit that organ. I did not realize that it was the report of a gun at that time, as my machine was making a good deal of a noise which drowned the report, but supposed it to be the breaking of a sickle tooth, which did occur a day or two previous to this, the report being the same to my ear, and in consequence did not look around at once, but probably went nearly a rod before looking around, and when I did, imagine my surprise to see LaMoure lying on the ground quivering in death, and the savage foe rushing on to me with gun, bow and arrow, and war clubs, with all the fury of the devil. I had not so much as a ten penny nail. My only hope was an axe which lay on the wagon some twenty rods distant, so I let go the lines and did not

stop the team, but made for the wagon as fast as possible, at the same time watching the savage as well as I could, and dodging his arrows as best I might. I succeeded in dodging his two first shots, the second one going under my hat brim and brushing the hair on the back of my neck. The third he succeeded in putting into my left shoulder; it struck far enough from the back bone to catch the outside of the shoulder blade instead of under it, which was very fortunate for me. It did not go quite through, but had to be cut in front and pushed through as the only way to extract it, coming out above the collar bone. As soon as the savage succeeded in hitting me he turned his attention to the horses, which had gone out to the corner of the square on which I was cutting, and then started toward home, cutting as they went. The savage became alarmed for fear he would not get them, so I escaped with life barely.

I have suffered intense pain, and have barely escaped gangrene or mortification, but am happy to say to my friends that my wound is discharging freely and the inflammation pretty well subdued, and with care I hope to recover and to live long enough to see a few "top nots fall and to see certain orphan children avenged."

The above statement was written out by Mr. Watson on the 21st, ten days after the raid. He does not appear to have seen but one Indian, but in his statement the morning after the attack he mentioned hearing a signal before the shot was fired, and this is believed to have been given to both the attacking parties at the same time by a fourth who remained concealed.

Brule Creek settlement contained some sixteen or eighteen families, who were settled within a couple of miles of the creek, distant about forty-five miles from Yankton and within eighteen miles of Sioux City. It was the most daring raid yet perpetrated, and showed the recklessness and desperation of the outlawed Indians, who seemed to take a peculiar delight in a hairbreadth adventure that would arouse widespread alarm. Out of this affair and some others of like bold and desperate character in Minnesota grew a plan to train a number of bloodhounds to follow the marauders who committed these atrocities, and the Minnesota authorities secured about fifty of these animals from Southern states. It was not learned that they were of any practical benefit.

John Gleason, employed as trader by the Northeast Fur Company, and having a trading post on the Kcha Paha about sixty miles from Fort Randall and forty miles from the Ponca Agency, was killed by the Brule Sioux Indians on the 14th of October, 1865, and his stock of goods carried off by his murderers. There was a detachment of soldiers stationed a mile from the scene of the atrocity and pillage, but a dense grove intervened and the troops knew nothing of the affair until a day or two later, when they visited the place for the purpose of trading. As the outrage occurred so remote from the settlements, it failed to create alarm.

For the first time since the territory was organized "a full bench" of the Supreme Court of the territory was convened at Yankton on the 6th of July, 1865. There were present His Honor Ara Bartlett, chief justice; Jeff. P. Kidder and W. E. Gleason, associates; Laban H. Litchfield, United States marshal; Geo. P. Waldron, acting United States attorney; Moses K. Armstrong, clerk, and John Lawrence, crier. The United States marshal was directed to procure a seal with a device to be prepared by Judge Gleason, also a docket. A number of rules governing the practice in the lower courts were adopted, relative to the formation of juries, time of notice before trial, and prescribing the number of challenges allowed in capital cases. The court reappointed the same dates as those fixed by law for holding the term of court in the various districts, there being a question whether the organic act had not reserved this authority to the court exclusively. In the Third District, in which Fort Randall and Bon Homme were the only settlements, the judge was given discretion to hold court at such times as he might select. The court then addressed itself to the solemn duty of making appropriate Lincoln memorial addresses, after which it adjourned.

The seal as designed by Judge Gleason for the Supreme Court of the territory was two inches in diameter. In the center the Goddess of Justice blindfolded sits enthroned—holding the scales in equipoise in her left hand, her right

hand resting upon the hilt of a sword. Encircling the goddess are thirteen stars and the words "E Pluribus Unum—Supreme Court of Dakota."

Ara Bartlett, of Kankakee, Illinois, was appointed associate justice of Dakota about the 1st of July, 1864, to succeed Judge Williston of the First District, who had been promoted to the chief justiceship of Montana. Judge Bartlett presided in the Vermillion district.

Jefferson P. Kidder, of St. Paul, Minnesota, who had been appointed associate justice of the Territory of Dakota to succeed Judge Ara Bartlett, who had been promoted to the chief justiceship, reached Yankton on Sunday, the 10th of June, 1865, coming up the river from St. Louis on the steamboat Graham. Mr. Kidder was a native of Vermont, a portly gentleman, about forty years of age, with an intellectual head and a good-humored face. He enjoyed excellent health, and was delighted with the western country and the western people. He had been in Sioux Falls in 1858 as a member of the Dakota Land Company. His wife and one son Silas were left in the St. Paul home, where they remained until the judge had prepared a dwelling house, which he did very soon after, at Vermillion. The judge's other son, the oldest, was a graduate from West Point, and was stationed at Fort Laramie.

In the First District, Judge Kidder held a term of court at Vermillion in October, 1865, when a number of cases against the former register of the United States Land Office, James M. Allen, in the matter of extorting illegal fees, were tried, but the accused secured an acquittal in every instance. He was defended by the secretary of the territory, Hon. S. L. Spink.

CHAPTER XXXVIII

THE FIFTH SESSION OF THE LEGISLATURE

1865-66

THE FIFTH SESSION OF THE LEGISLATURE—GOVERNOR'S MESSAGE—THE EXEMPTION LAW—PUBLIC LANDS IN MARKET—THE LEGISLATURE SOUNDED—LEGISLATIVE DIVORCES—THE WAGON ROAD INQUIRY—SUPERINTENDENT MOODY REPORTS—MOODY SUPERSEDED—TERRITORIAL BONDS—VARIOUS LEGISLATIVE ENACTMENTS—GEORGE H. HAND—THE TIMBER SUPPLY.

The fifth session of the Legislative Assembly of Dakota Territory convened at the capitol building in Yankton on Monday, December 14, 1865. The House was composed of twenty-four members, as follows:

Union County—Thomas C. Watson, E. C. Collins, William Walter, Michael Curry, Michael Ryan, George W. Kellogg, Edward Lent. Clay County—H. J. Austin, James Whitehorn, G. B. Bigelow, Amos Hampton, Franklin Taylor, James McHenry. Yankton County—Jacob Brauch, H. C. Ash, A. M. English, W. W. Brookings, S. C. Fargo. Bon Homme County—Jonathan Brown, C. M. Cooper. Todd County—J. Austin Lewis, Charles H. McCarty. Charles Mix County—William Stevens, Joseph Ellis. Pembina County—not represented.

The House organized by electing G. B. Bigelow, of Clay County, speaker; George I. Foster, Yankton, chief clerk; John Reynolds, Yankton, assistant clerk; George Falkenberg, Bon Homme, sergeant-at-arms; S. M. Kesler, Union, messenger; K. P. Roune, Union, fireman; Rev. J. L. Payne, chaplain.

The Council was composed of the following members: Union County—George Stickney, O. F. Stevens, Charles Le Breche. Clay County—John W. Turner, N. V. Ross, J. A. Weeks. Yankton County—Enos Stutsman, M. K. Armstrong, Dr. A. Van Osdel, George W. Kingsbury. Bon Homme County—Austin Cole. Charles Mix County—John J. Thompson. Todd County—J. Shaw Gregory.

The Council organized by the election of George Stickney, president; J. H. Hanson, Yankton, secretary; H. B. Vinton, Clay County, assistant secretary; James D. Prentice, Yankton, sergeant-at-arms; Benton Fraley, Bon Homme, messenger; Joseph Brouillette, Union, fireman; Rev. M. Hoyt, chaplain; James M. Allen, enrolling clerk.

The annual message of the governor was delivered the second day of the session.

The message opens with an appropriate expression of the nation's grief over the tragic fate of Abraham Lincoln; pays a sincere tribute to the patriotism and ability of the martyred President; and believed that President Johnson, his successor, would faithfully endeavor to carry out the policies already partially formed by the new administration.

PROGRESS OF THE INDIAN WAR. It has for some time been the opinion of persons somewhat familiar with the controversy, that could the hostile Indians be seen by persons disconnected with the military operations of the Government in this country, thus enabling them to

explain their position and state the grounds of their grievances, that peace would be the result of such explanation; by this means relieving our border settlements from the murderous and thieving raids of these savages, and the Government from the enormous expenses incident to the prosecution of a war so remote from the general thoroughfares of the country. Entertaining these views, just at the close of the last session of Congress, the attention of the Committee of Indian Affairs in the Senate was called to the subject, and for the purpose of making an effort in this direction with a view of bringing about a permanent peace with these hostile Indians, Congress saw fit to make an appropriation of \$20,000 for the purpose of making the experiment. It was discovered when the effort was about to be made, that owing to a military order in this department on the subject, no such effort would be permitted by the military commander, because, forsooth, it was not in accordance with the views entertained by the commander of the department. So an order was promulgated prohibiting any treaties to be made "except such understanding as was had with them by the military authorities." This was the position of affairs when the new secretary of the interior, Hon. James Harlan, came into office. He took hold of our Indian difficulties with an energy and determination hitherto unknown in that department, and by his energy and perseverance soon made himself master of the position. As the result of his labors on this subject, there is now every prospect that an early, permanent and lasting peace will speedily take place between the Government and these hostile Indians, and the millions heretofore squandered in fostering and prolonging this needless war will either be left in the United States treasury or devoted to the reduction of our large national debt, necessarily created in the prosecution of the war against the people of the revolted states. I am advised that the commission appointed by the President and sent to the Southwest has succeeded far beyond the expectations of the most sanguine in negotiating treaties, not only with rebel, but with very nearly every band of hitherto hostile Indians, and that an early and lasting peace may be expected to follow at once as the result of these negotiations.

The commission sent to the Northwest to treat with the Indians of this and adjoining territories, I fully believe would have been equally as successful could they have got into the Indian country at a time of year when it was possible for the Indians to meet them. So far as they have been able to see the Indians, they have succeeded equally as well as the other commission and it now, in my opinion, only remains for them to meet the other bands of Indians to re-establish friendly relations with all these tribes; indeed, the Indians themselves stated repeatedly in council that it was the universal desire of all to make peace, and live hereafter on friendly terms with their white brethren.

I see no cause to apprehend a renewal of this controversy next season, unless forced upon us by the heedlessness or recklessness of persons residing in or passing through the Indian country; and I sincerely hope that persons in passing through the country will exercise the utmost discretion and circumspection, and give no cause for a renewal of this struggle which now seems so near a satisfactory solution.

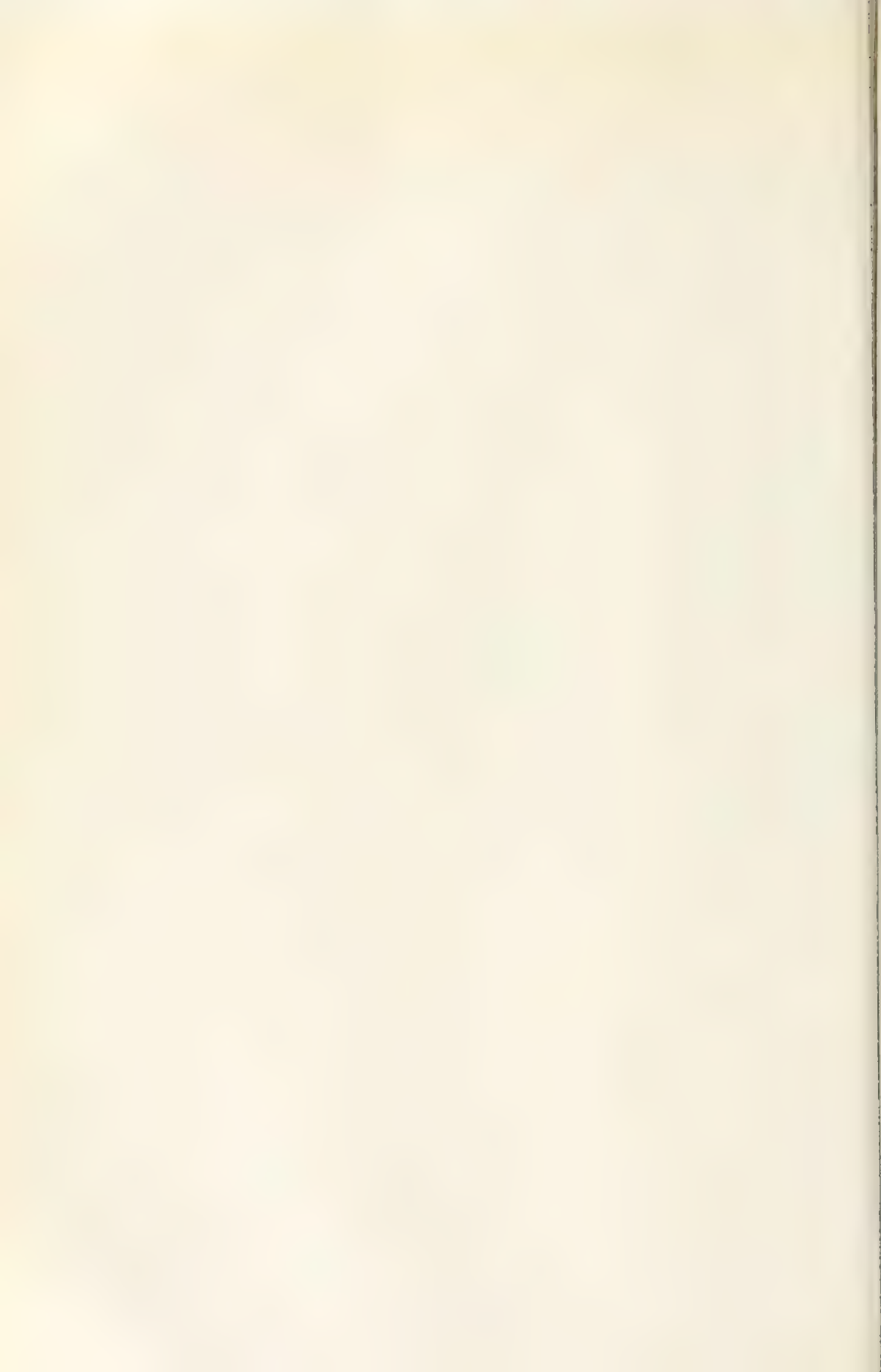
IMMIGRATION.—The subject of fostering and promoting immigration into our sparsely settled territory is one of vital importance, and on this account should receive at your hands prompt, earnest and careful consideration, in order that you may, if possible, devise some means by which our broad acres of hitherto unsettled, unimproved, uncultivated, rich, virgin soil, may become settled, improved and cultivated, thereby contributing to render security doubly secure in our border settlements, adorn and enrich our common country, enable us to establish all over our territory churches, schools and seminaries of learning, through which, and by which, our children are to be made good, useful and respected citizens of this great country. So important has this question been deemed in a national point of view, that the last Congress passed a law, approved July 4, 1864, establishing a bureau of immigration in the state department, and appropriated \$25,000 to put the machinery in operation, for the protection and encouragement of emigration from the Old World. The effect of this law, under the wise and judicious management of the commissioner of immigration, has been to more than double the number arriving in this country from the Old World.

I know of no other territory or state presenting as great inducements and advantages as are now to be found in this territory, in the immediate vicinity of fine, flourishing towns, on a navigable river, contiguous to good and reliable markets for every species of produce raised in this country, with thousands upon thousands of acres of as fine, rich, productive and arable lands as the sun ever shone upon, not yet in market, but surveyed and subject to settlement and entry under the Homestead Law, so generously provided by a beneficent Government, by which every settler who desires it may secure a farm of 160 acres, every foot of which is equal in productiveness to the best land to be found in the valleys of the Connecticut, Mohawk or Ohio, for the insignificant sum of \$12. It appears to me that you have only to lay these matters before the people of the eastern states, or those coming from the Old World, in such a light as to show all these advantages, to secure such an influx of immigration as will in one or two seasons fill the valleys of the Missouri, Big Sioux, Vermillion and James rivers, with an enterprising, intelligent, frugal and industrious population, who will ever after be showering blessings upon your heads for having called their attention in this direction. Many of our western states have for years had in practical operation a system for the encouragement of immigration, which I believe has been attended with satisfactory results. Quite recently, I think within the past year, the State of Missouri has passed a law authorizing the appointment, by the governor, of commissioners for the encouragement of immigration to that state



GEORGE H. HAND

Pioneer of 1865. United States attorney
and secretary and acting governor, 1874 to
1883.



by the selection of three of its prominent citizens, whose duty it is made to lay before the public the advantages presented for settlement in that state; and I notice by the recent message of the governor that their efforts in this direction have been attended with marked and very decided success.

I would therefore recommend the enactment of a law creating one or more commissioners of immigration in this territory, whose duty it shall be to lay before the commissioner of immigration at Washington, his agent in New York, and such other persons as will cooperate in promulgating the advantages, by the immigrant, from settling in this territory. For the purpose of showing you the interest the Government proposes to take in seconding your efforts in this direction, I transmit herewith the correspondence which has taken place between the honorable commissioner of immigration and myself, to this time, together with copies of the law of Congress, and copies of a circular issued to consular agents in furtherance of this object.

TERRITORIAL EXPENSES.—No adequate provision has yet been made by the legislative assembly for defraying the expenses of the territorial officers, or liquidating present indebtedness. At the last session of the Legislature I took occasion to refer to this subject, and suggested that steps ought to be taken to raise, by taxation, a sufficient sum to meet our present indebtedness and provide for the current fiscal year. I regret to inform you that no such provisions were made at that time, consequently the indebtedness still remains, and the salaries of our territorial auditor and treasurer still remain unpaid. By a recent law of Congress, each state and territory is entitled to receive from the Library of Congress a certain number of copies of the journals and documents of Congress, upon such state or territory defraying the necessary expense attending the delivery of such documents at their respective capitols. Several boxes of such documents were some time since forwarded by the secretary of the interior, by express from Washington, for our territorial library, upon which there are charges to the amount of about one hundred and sixty dollars. These have now been lying in the express office at Sioux City for some months, for the reason that no provision had been made by the legislative assembly for paying the charges on them. It would seem to me that adequate provision ought at once to be made for receiving these books and documents, and means provided for defraying the expense of transportation. For your information I transmit herewith copies of correspondence with the secretary of the interior on this subject. The states and territories have generally adopted the practice of exchanging the laws, journals and Supreme Court decisions with each other, which is a very important matter, as by this means in each state and territorial library are to be found a copy of the laws and Supreme Court decisions of each. Such exchanges are necessarily attended with some expense, which must be provided for by their respective legislatures.

I therefore regard it as the imperative duty of the present Legislature to provide by law a sufficient fund to meet these expenses. This should not only be done, but means should at the same time be provided for defraying our current and contingent expenses. I recommend therefore the prompt levy and collection of at least two thousand dollars for this purpose.

In case the Legislature should see fit to adopt some measure for the encouragement of immigration, involving the expenditure of money or the creation of a debt, it would seem to be your duty to provide a fund for the liquidation of such debt. In such case I would recommend a law authorizing the issue, by your auditor and treasurer, of territorial bonds, drawing interest, having not less than five nor more than ten years to run, with the prompt levy and collection of a sufficient territorial tax to meet the accruing interest. Means may very properly be provided in this way in furtherance of this object without imposing an impressive burthen upon our present settlers. I am clearly of opinion that one or two thousand dollars per annum, judiciously expended in promoting this object, will be amply compensated in the increased flow of immigration into our territory. In connection with this subject, I would suggest for your consideration the propriety of providing a suitable building for an armory and powder magazine in which to store the territorial arms and fixed ammunition. Thus far storage has been furnished by our citizens, free of expense to the territory; and it seems to me that the time has now arrived for the territory to provide the necessary buildings and defray the expense of taking care of property sent here by the general Government for mutual protection, and for the common benefit of all.

GOVERNMENT WAGON ROADS.—Congress, at the close of its last session, provided by law for the opening of three very important wagon roads across the territory, and made liberal appropriations to secure the prompt laying out and opening of these lines. One of the routes, commencing at Niobrara, Nebraska Territory, running thence through the southern portion of this territory to Virginia City, Mont., has, I am informed, been explored throughout its whole length by the energetic efforts of the superintendent selected by the secretary of the interior to look out and establish the route. Having very recently returned to his home in Sioux City, in the absence of information on the subject I am not able to inform you of the results of his explorations.

The general character of the country from Sioux City to the mouth of the Big Cheyenne, over which the second road is now being surveyed, which may properly be called the middle route, is such as to require but little outlay to make a good road, with the exception of building three very important streams, the Big Sioux, Vermillion and Dakota rivers. I am informed by the superintendent of this road that owing to the scarcity of suitable timber for bridge building along this line, the improvement contemplated by Congress in making the

appropriation is going to be much more expensive than was at first supposed. As this road runs for a distance of 150 miles through our best and most important settlements, it may very justly be considered at the present time the most important of the three routes to our citizens. It is therefore hoped that Congress will early take such action as to insure the speedy opening of this entire line of road.

The third road or route commences on the Minnesota state line, and terminates at or near Fort Conner, on Powder River, where it is expected this line will intersect the road from Niobrarah, Neb., to Virginia City in Montana Territory. A preliminary examination of this route, I am informed, has been made, by the superintendent, from the state line of Minnesota to the forks of the Big Cheyenne River, and the general character of the country is such as to require but small outlay in the way of improvement to make a good road the whole distance. Too much importance cannot well be attached to the early opening of these lines of thoroughfare, and it is hoped that should it be found necessary, in order to secure their speedy opening, that Congress will make further appropriations upon any one of them, I trust you will cordially lend your aid in this direction. They may, in my opinion, justly be considered as the forerunners of a railroad on each line, if by their speedy opening the travel to the gold fields of Montana and Idaho is thrown over these routes. I confidently anticipate that the day is not far distant when a daily line of post coaches, leaving one of the numerous towns in this vicinity, will be unable to carry the passengers desiring to take some one of these routes to the gold fields of the Northern Rocky Mountains, by reason of the great distance saved by taking these lines over that now traveled by Omaha, Fort Laramie and Salt Lake City, thence to Montana and Idaho. It is well settled that the distance saved on either of these lines will not be less than six hundred miles, or six days' constant travel by stage.

[A memorial to Congress for a capitol building appropriation was recommended.]

PACIFIC RAILROAD.—The location of the northern branch of the Pacific Railroad is doubtless a question of far greater importance than any to which I can at this time call your attention, and when presenting, as we do, for the consideration of the President of the United States, by far the shortest and most practicable route up the valley of the Missouri and Niobrarah rivers to intersect the trunk line in the vicinity of Fort Laramie, thus forming almost an air line from the passes of the Rocky Mountains to Chicago, the great railroad center of the Northwest; our claims, it appears to me, are paramount to all others, which have been heretofore contemplated or even spoken of for this line of road. I call your attention to this subject at the present time for the reason that it is reported that a company has already been designated to construct the line under consideration, and that it is contemplated by this company to construct the road from Sioux City down the valley of the Missouri River, in a southeasterly direction, for a distance of one hundred miles or more, to intersect the branch of the Pacific Railroad running west from Omaha. How long will it take, I beg leave to inquire, to reach California by traveling in this direction? Is it probable that Congress in making such liberal appropriations to encourage the early construction of this line of road, contemplated or expected the funds of the Government would be used for constructing a railroad running southeast from Sioux City in order to form a railroad connection with the Pacific Coast? I think not. I have no doubt that Congress, when legislating upon the subject, expected the persons or companies selected to construct the several branches, would at least try to shorten the distance and time to California by constructing the roads in that direction. Believing this to be the case, I recommend that you early call the attention of the President to this subject, and memorialize him to reconsider the action of his predecessor, President Lincoln, in designating the company to construct this branch of the Pacific Railroad and in case this cannot be done, that you lay the matter before Congress and solicit from that body such legislation as will require the company designated to construct this branch in starting from Sioux City, towards California, by the most direct and practicable route. The memorial passed by the last legislative assembly on this subject, approved January 12, 1865, clearly sets forth not only many of the advantages gained in selecting the Niobrarah route, but also some of the disadvantages in adopting the route southeast from Sioux City. I respectfully submit this subject for your consideration, hoping that you will, by prompt and judicious action, secure to our constituents the advantage to be derived from having this road constructed through the southern portion of this territory, fully believing this to be in accordance with the views of a large majority of Congress in making the appropriation to encourage the construction.

PRIVATE LAWS.—I beg leave to submit whether it would not be better to pass some general laws on the subjects most frequently presented for your consideration by individual citizens, such as ferry charters, town sites, etc. On reference to our existing laws I find that we have already upon our statute books sixty-one chapters of private laws. A large majority of these are, I think, ferry charters, many of them entirely useless and utterly worthless. In all cases where the franchises granted have not been improved, I recommend the repeal of the law, and in lieu of special privileges to individuals in future, the enactment of a general ferry law, under which any person desiring to run a ferry may do so upon complying with the provisions of the statute made for the protection of the public in all such cases. It occurs to me that this may also be done very properly in the case of town sites, bridges, etc. The enactment of such general laws, early in the session, will preclude the introduction of a large number of private bills on these subjects.

CONCLUSION.—I have endeavored briefly to call your attention to matters deemed important, and such, it has seemed to me, as first ought to occupy your attention. While many subjects of importance have doubtless been overlooked in this communication, still, as it will be my privilege and duty to make suggestions from time to time to your honorable bodies, such omissions may hereafter be supplied. And now, in conclusion, allow me to express the hope that the different branches of our territorial government will work together in harmony, with an unselfish desire to promote the general interests of all sections of our territory, by which means we shall not only best satisfy our own feelings in the consciousness of duty well performed, but advance the cause of religion, liberty and free government—in thus contributing our mite towards ameliorating the condition of mankind.

NEWTON EDMUNDS.

The subjects treated by the governor's message were of the first importance to the territory. The Progress of the Indian War states the attitude of the peace-by-treaty people, of which the governor was a recognized leader. Immigration is well discussed, but the members of the Legislature could not be induced to authorize the issue of territorial bonds for any purpose. Territorial expenses throw light upon a subject that the members of the Territorial Legislature regarded as a little less distasteful than the subject of bonds. Any measure that called for taxation was considered as one that would impose a burden upon the people, who were already overburdened with the demands of their homes and families. The Pacific Railroad, the northern branch, touches a matter which in its day interested a number of leading men not residents of the territory, who stood ready to construct the northern branch on lines indicated in the message if accorded the aid which Congress had already voted in the Union Pacific charter. It should have been the route selected. John I. Blair, the railroad king at that time, when the country was convulsed with the Civil war and the President had no time or inclination to investigate the routes, was able to secure the appointment to build the northern branch. He was then just completing the Northwestern to Council Bluffs and Omaha, and conceived the plan of the Sioux City and Pacific from Missouri Valley to Sioux City, and from Missouri Valley to Fremont, Nebraska, which he was able to convince the President would be a suitable route for the northern branch of the Union Pacific. The message shows the absurdity of the route, but it was successful nevertheless.

This session of the Legislative Assembly was made up of republicans and democrats, who, as a rule, had been elected on the same ticket. The Civil war and the attitude of President Johnson on the matter of reconstructing the rebellious states, had unsettled political parties, and although the war had been over for half a year, all men had not concluded just where they were to line up in the future. The national union party of Dakota had elected the Legislature and the nominations had been made with the view of getting about an equal number of republicans and democrats on the tickets, and electing them. This had been done. The Legislature was, therefore, very equally divided between the two old parties, and there was no reason, except former party affiliations and prejudices, that would prevent the members from working together harmoniously: still there was more or less of the old rivalry.

A law was enacted for the admission of attorneys to the bar of Dakota Territory.

The Legislatures of the earlier years in Dakota were vigilant in protecting the welfare and interest of their constituents, by giving them liberal exemptions. At the first session in 1862 a number of laws were enacted on this subject, and under the provisions of one of these enactments all real and personal property belonging to any citizen was exempt from all legal process for all debts owing to parties outside the territory or contracted prior to the removal of the debtor to Dakota. At the present session of the Legislature a bill was introduced by Mr. Michael Ryan, of Union County, to amend the exemption laws, which had been criticized by some of the attorneys within the territory, and by parties outside who had claims against the citizens of the territory. This bill reduced the amount of exemption materially, but it passed the House, though stoutly opposed

by the minority, but was ably supported by a lobby made up of home attorneys and an active and resolute outside interest. When the bill reached the Council it met with a cold reception. It was referred to the Committee on Judiciary, of which Mr. Stutsman was chairman, who reported the bill on the twenty-fifth day, December 28th, recommending its rejection for reasons thus stated:

The object of said bill was to reduce the amount of property exempt by law from execution, which in the judgment of the committee would under existing circumstances operate most injuriously to the people of the territory. The moment you break down a liberal and well guarded exemption you open the door to the credit system, which encourages extravagance and finally results in a financial crash, and the inextricable ruin of many families, that under the existing laws would be prosperous and happy. The committee has, therefore, instructed me to report the bill back with the recommendation that it be rejected.

This report was not adopted, but the bill was recommitted to the judiciary committee, which reported a substitute bill, changing some of the provisions of the existing law, but not lessening the total amount exempt; recommending its passage. The bill received an unanimous affirmative vote on its final passage.

Up to about the time of the organization of Dakota, 1861, it had been the policy of the Federal Government to dispose of the public lands at private sale, after they had been offered as preemptions for a reasonable time. During the administration of President Buchanan, which was the administration preceding the Civil war, large bodies of land in both Nebraska and Iowa were offered at private sale. Under these sales one person could purchase a township of land if he so desired. The consequence was that a great quantity of the land in those states found its way into the hands of capitalists and speculators; and there had grown up in the minds of the border settlers a sentiment that the policy was detrimental to the settlement, growth and improvement of the western country.

This policy, it was discovered, led to the accumulation of large tracts of the best lands in the hands of speculators, who had purchased with no intention of improvement. In some sections of the new West, notably in Iowa, nearly the entire landed area of its uninhabited northwestern counties was owned by private parties as late as 1865, and as the ordinary emigrant was not prepared or not satisfied to purchase, he went beyond these private tracts to select a home. As a result, there were large uncultivated wastes between the settlements to the great detriment of the country in the development of its highways, and its religious and educational work.

There were comparatively few quarter sections in these Northwest Iowa counties that the "land grabber" had not appropriated, and a small company of enterprising young men at Sioux City hit upon a plan for improving these unsettled counties at the expense of the large land owners, and make it to their pecuniary interest to offer their land for sale at a reasonable price. These young men emigrated to the unsettled regions and took up preemptions on the vacant quarters, and then under the law effected a county organization. Elections were called and county officers duly elected and installed and the machinery of county government set in motion. The county board of commissioners would order an assessment of the real and personal property of the county, which at a very moderate rate of taxation would yield a handsome revenue to be used in public improvements and the payment of the salaries of county officers. They would also proceed to open roads, build bridges, and in some instances erect a county courthouse. School districts were also organized, schoolhouses erected, and school taxes levied. The assessor was put to work, and the land held by private parties being subject to taxation, was duly assessed and notice given as is customary in such cases. Those who did not come forward and pay their tax found their lands advertised at tax sale at the proper time, and desiring to avoid the trouble involved in a clouded title, after freely criticising the extravagance of the county government, usually paid the tax. And as they were all non-residents, who complained by letter, their unfriendly criticisms were not seriously considered. The counties that resorted to this heroic mode of development and

improvement issued county warrants in payment of county indebtedness, making reasonable allowance for the discount on such paper, and where all steps of organization had been properly and lawfully taken, and the proceedings regular, the holders of the warrants found a ready market for them at the banks or with investors in the neighboring towns, and could always exchange them for any kind of merchandise required in their pioneer homes, while the remittances from the non-resident land owners were sufficient to keep the floating debt within reasonable bounds.

This condition was well known to the early settlers of Dakota, some of whom had been engaged in this county organization business. They had only to look across the streams that separated them from the states to perceive the injurious effects of private land ownership of thousands of contiguous acres; and among the common people, who are always in the great majority and have no money to invest in lands, the sentiment in opposition to throwing any of the public lands upon the market was very strong, and no man or party who aspired to leadership in politics was reckless enough to venture an affirmative voice when this subject was under discussion.

With the advent of Mr. Lincoln as President, and the changes in the policy of the Government which followed, the private sale of the public lands was discontinued, but the homestead law was passed in 1862, which, together with the preemption law, afforded the homeseeker all that could be reasonably asked, and at the same time apparently insured the settlement of the public land districts in a compact manner, insuring with this close settlement the most rapid improvement of the country in roads and bridges, the establishment of churches and schools, and affording settlers the advantage and enjoyment of neighbors and the social benefits derived therefrom. In the face of the manifest disadvantages of the old system, and the undisputed benefits accruing to the actual settlers from the new policy, a strong sentiment had grown up in favor of a return, in part, to the private sale system, which was supported, chiefly, by the argument that it would speedily increase the amount of taxable property. Considerable difficulty had been met with in Dakota in the efforts of the lawmakers to devise a revenue system that would yield a sum sufficient to meet the expenses of county and territorial government. The territory had reached that period in its career when it had insane persons to be cared for, criminals to be imprisoned, other unfortunates to be supported at public expense, in addition to sundry expenses, such as salaries, rents, etc., for the officers who performed public duties, and under the comparatively slow process of the homestead and preemption law the amount of taxable lands subject to taxation made slight annual increase. Under these conditions some of the lawmakers of 1865-66 concluded that it would be advantageous to return to the old system of selling the public lands in open market, to promote which a joint convention of the Legislative Assembly was held on the 19th of December, 1865, at which the following resolution was presented:

Resolved, That it is the opinion of this joint convention that sound policy would suggest the propriety of the passage of a memorial by this legislative assembly to the President of the United States, praying him to order into market certain townships and parts of townships of the public domain in this territory, as may be designated by this Legislature

A motion was made to adopt the resolution, and a division of the convention being called for on the motion to adopt, there were fifteen voting in the negative and fourteen in the affirmative, so the motion was lost.

This result had not been anticipated by the leaders of the movement, and to divert attention from the attempted but fortunately defeated proposition, which it was presumed would meet with little favor from the settlers, an adroit movement was resorted to that would serve to prove that the joint convention was assembled for a very necessary and commendable purpose; which was embodied

in a resolution immediately presented by a prominent member of the Council, as follows:

Resolved, That it is the sense of this convention that the revenue bill which is proposed to be introduced during the present session of the legislative assembly should contain a provision requiring every male person above the age of twenty-one to pay a poll tax yearly of one dollar for the benefit of common schools.

The motion was adopted, and the joint convention then dissolved.

There is no record kept of the members who voted on these questions. The purpose of the joint convention was to secure a majority vote on the private land sale resolution, and the absence of three or four members who were expected to support the measure fortunately prevented its adoption; not that there was the slightest prospect for the change to be adopted by the general Government, but fortunately for the political reputations of the gentlemen who promoted the measure, and fortunate for Dakota, because it would have added the term "land grabbers" to the other opprobrious epithets the outside world used quite liberally when speaking of this "drought-stricken and grasshopper ridden country."

This Legislature also passed two divorce bills, one from Bon Homme County entitled *Georgiana H. Young vs. Lewis Young*, regarding which the Committee on Judiciary say in their report, that after examining the written testimony they are forced to the conclusion that the conduct of Lewis Young has been of such a character as to render it impossible for his wife and child to live with him. The affidavits of Francis Rounds, George T. Rounds and the plaintiff are cited in support of the claim and the committee recommends the passage of the bill, which action was taken; but Governor Edmunds vetoed the measure, and the Legislature refused to pass it over his veto. The second case was that of *Rachel J. Rowley vs. Charles S. Rowley*, introduced by Councilman George Stickney, of Union County. In this case the judiciary committee cite the affidavits of Rachel J. Rowley, James W. Phillips, Phinneas Phillips and P. Darwin Phillips in support of the application, and made the statement that if Charles S. Rowley, the husband, is not already, he ought long since to have been an inmate of a state's prison, on the charge of counterfeiting; that he had abandoned his family for a period of over six years. The committee recommended the passage of the bill, and it was duly passed; but met with objections from the governor, who declined to approve it. In his veto message, the governor said:

Contracts of this character by enlightened communities are justly considered, in my opinion, of the most sacred and binding character. The higher the civilization the more sacred are such contracts held. This being the case, such contracts should not lightly be interfered with, and especially should this view of the case be taken where there are reasonable grounds to doubt the authority over the question, of the power proposing to annul such contracts. I have carefully considered this question in connection with this subject, and have been led to the conclusion that inasmuch as the legislative assembly of this territory has heretofore enacted a law (chapter 18, laws 1853-4) providing a mode by which divorces may be granted by the courts of the territory (by any act of Congress delegating powers to the legislative assembly thereof) and there being no question as to the power of the Legislature to provide by law a mode by which parties deserving it may obtain relief from such contracts through the properly conducted courts of this territory, I feel it my imperative duty to return this bill without my approval.

I am, sir, very respectfully your obedient servant,

NEWTON EDMUNDS, Governor.

A joint resolution was passed by the Council requesting G. C. Moody, superintendent of the Government Wagon Road from the Big Sioux River to Fort Randall, to furnish the Legislature with an itemized account of his disbursements on account of the construction of the Big Sioux bridge, and on the same day the resolution was transmitted to the House and concurred in, and a committee appointed to present the resolution to Mr. Moody, composed of Kellogg and McCarthy. Mr. Kellogg reported on the 23d day that he had presented Mr. Moody with the resolution, and that gentleman stated that he would furnish

the Legislature any information calculated to assist them in the performance of their arduous duties which was in his power, and as soon as he could do so conveniently. The committee was then discharged. A similar report was made to the Council by Mr. La Breche, who reported a written communication to the same effect as Kellogg's report to the House. Mr. Moody evidently considered the action of the Legislature unwarranted, as he was employed by the Federal Government and reported to the Interior Department, and while he did not refuse to communicate the information desired, he was so tardy about it as to arouse considerable feeling among some of the Legislative members who were jealous of the dignity of their body and charged that Mr. Moody had not properly respected it.

Mr. Brookings introduced in the House a bill for an amendment to the territorial election law, striking the word "white" therefrom, which gave occasion for much debate before the Committee on Elections, to whom it was referred. Equal suffrage and negro suffrage were new issues and many men did not seem prepared to give a decisive vote or commit themselves on the issue. The House considered the bill in committee of the whole, but reported that the committee had reached no conclusion, and the bill was laid on the table. No vote had been taken by calling the roll, and therefore it could not be determined whether the sentiment was favorable to the proposition.

An effort was made early in the session to put through a bill authorizing the issue of territorial bonds bearing 10 per cent interest to be expended in the interest of immigration. It might have passed but for the belief that no authority existed under the organic act for such a measure, and its passage would prove detrimental to the territory as indicating a reckless disregard of the fundamental law on the part of the law-making body.

A memorial to the Secretary of War asking that a military post be located on the northern base of the Black Hills was passed. This post was finally constructed and became Fort Meade.

An act for the establishing of a fence law and the appointment of fence viewers was among the important legislation of this session. The law was afterwards repealed and a herd law substituted. It was the conviction of the farmers that it would be cheaper and better to dispense with fences and compel cattle owners to herd their live stock, instead of requiring the corn and wheat grower to guard his cultivated fields with a costly fence. Fencing material was not abundant and was so expensive as to be practically prohibitive.

A memorial to Congress for an appropriation to meet the expense of a geological survey of the Black Hills and Bad Lands was passed.

A new and much improved general election law was enacted.

An act to establish a public school law, to take the place of one then in force, was passed; also an act relating to territorial and county revenue; an act to prevent the firing of woods and prairies; an act for the admission of attorneys to the bar; an act prohibiting the furnishing of liquor to Indians; also an act authorizing a special election in Yankton County to vote a jail tax; an act authorizing the sheriff of Clay County to levy and collect taxes for the purpose of purchasing blank books in which to keep the county records; an act providing a bounty for wolf scalps, and an act prohibiting the harboring of Indians. A new civil and criminal code, called the "New York Codes" was enacted, and altogether this Legislature accomplished much that was commendable and improved the body of territorial laws in a marked degree.

Concerning these New York Codes, as they were called, it was stated on excellent authority that David Dudley Field, one of the eminent lawyers of the United States in that day, was the principal author of the codes. They were prepared under the authority of the Legislature of the State of New York, by a commission of which Mr. Field was chairman, and some seven years was given to that and other work of the commission. The codes were completed in February, 1865, but had not been passed upon by the Legislature of the Empire State,

when a printed copy of the report of the commission containing the civil and penal codes, and also the maritime code, came into the possession of the Supreme Court of the Territory of Dakota, then composed of Ara Bartlett, chief justice; Jefferson P. Kidder and William E. Gleason, associate justices; all good lawyers, and all favorably impressed by the codes prepared by Mr. Field. The codes adopted by the Dakota Legislature in March at the first session, in 1862, had not proved satisfactory in every respect, and the bench and bar of the territory united upon recommending that they be repealed and the Field Codes substituted in their stead. This was done at this session, the Legislature of Dakota being the first legislative body to enact and put in operation these excellent laws. California adopted the same codes in 1872, six years later, and owing to the prominence of that state, the codes became popularly known as the California Codes. This error, however, was later corrected, and Dakota gave the tribute of authorship where it of right belonged.

A law was enacted establishing a bureau of immigration and authorizing the governor to appoint a board of immigration, who should select an immigrant agent.

A committee of one from each county represented in the Legislature was appointed to make a report on the mineral and agricultural resources of the territory.

A bill for an act to restrain swine from running at large engaged the earnest attention of the House for nearly one-half the session. It was an important measure of itself, and was opposed by those farmers who passed a herd law—the preponderating sentiment being in favor of compelling the live stock interest to herd all domestic animals and make it responsible for any damage done to growing crops by the depredations of live stock.

An act establishing the jurisdiction and defining the duties of justices of the peace was passed.

A memorial praying Congress to amend the Union Pacific Railroad bill, so as to require the building of the northern branch thereof from Sioux City on the north bank of the Missouri River to Niobrara, thence west along the valley of the Niobrara River to the 100th meridian, thence pursuing a general westerly direction to the mountains, crossing the divide through the South Pass, was passed.

A memorial to Congress asking for an appropriation for the construction of a capitol building, introduced by Representative A. M. English, was passed.

Mr. McCarthy gave notice of his intention to introduce a bill to create and empower the sheriff of Todd County to act as sheriff for the Third Judicial District of Dakota Territory.

It was a working body, and although the rupture in the national republican party had grown quite serious between President Johnson and Congress, and the adherents of each were strongly represented at this session, there was very little partisanship displayed. The resolution with reference to the seat held by W. W. Brookings, and the call for information regarding the Big Sioux and Fort Randall Wagon Road, of which Colonel Moody was superintendent, were not looked upon as instigated by partisan feeling. In the first case the inquiry, under the circumstances, of the eligibility of Mr. Brookings to a seat in the House while he held an appointment from the Interior Department as superintendent of the Big Cheyenne Wagon Road, was legitimate, and its decision by the court would have settled the important question of what constituted such a federal position in the meaning of the organic act as would disqualify a person from holding a seat in the House. That question was not determined.

In the case of Colonel Moody, there is little doubt that personal feeling and ill-founded public rumor had considerable to do with the proceedings in his affair.

The Congress-Johnson schism rendered the year memorable as one in which the political campaign continued unceasingly. Not only the male population

but the fair dames were interested, and everyone seemed to have chosen a side, and was prepared to defend their choice. Personally, President Johnson was a popular man; highly esteemed by the northern people for his many private and public virtues, and more than all for his chivalrous, able and courageous course during the rebellion, when he so valiantly and successfully contested against the secession of Tennessee, frequently endangering his personal safety and at times his life. It was his past career and record that appealed more forcibly to the northern people than his position in the contest with Congress. And it was because of this heroic record that his friends found abundant material to enlist their own and others' sympathies in behalf of his political fortunes.

HON. GEORGE H. HAND

George H. Hand, of Portage City, Wisconsin, reached Yankton in November, 1865, having in view a location where he could establish a permanent home for himself and family, build up a law practice, and grow up with the country. He had been a Union soldier during the Civil war, which had then but recently ended, and a member of the Chicago Board of Trade Battery. He had been a faithful and efficient soldier and had earned and received moderate promotion. Mr. Hand was about twenty-eight years of age at this time, active, enthusiastic, and a most entertaining young man socially—an excellent companion. He brought with him letters from Wisconsin gentlemen that gave him ready entrance to the confidence of the Yankton people and he was not long in winning their esteem. It was then too late in the season for his wife and young children to make the journey to Dakota—something over two hundred and fifty miles of which would be through a country sparsely settled, while the so-called stage lines were not models of comfort, and winter was coming on apace. But he found Yankton suited to his favor, and this new land so promising of a glorious future that he concluded to cast in his lot with the others who had preceded him to the outpost of civilization on the northwestern border. Had he been inclined to remove his family at that time, he would have been unable to have found a suitable shelter for them in the embryo town. Every habitable structure was occupied, and two-thirds of the population were uncomfortably crowded during the fall and winter. There were not so many actual residents, but the sojourning class were numerous, and the most profitable tenants, for they were prepared to, and willing, to pay exorbitantly, if necessary, for accommodations. Expeditions were then fitting out at Yankton for the Black Hills, for Idaho, and the Montana gold fields, and Yankton was "booming."

Mr. Hand remained at Yankton, and announced to the people that he was prepared to give attention to their law suits.

At the opening of the Legislature, in December, he was appointed by Governor Edmunds his private secretary, and managed to keep himself quite busy during the winter. The following spring he formed a partnership with Hon. S. L. Spink, the secretary of the territory, and also a lawyer, and the firm of "Spink & Hand, Attorneys at Law" was one of the earliest professional firms in the territory. But Dakota had not reached that stage where the lawyer finds a profitable field for his professional labors. Clients, like good spirits we find mentioned, were few and far between. It is related of a physician who settled in Yankton about this time that he wrote back to his friends in Canada, after being in Dakota a few weeks, that he "had had but one case and that was in digging postholes." Mr. Hand kept busy, or kept up the appearance of being busy.

The following spring (1866) he removed his family to Yankton, making a trip to Portage for that purpose, and set up housekeeping in a comfortable hewn log residence that stood on Walnut Street, west side, between the river and Second Street, and here he resided a number of years, until he purchased the place in the northeast quarter of the town, where his numerous family of children were born, grew to manhood and womanhood, and where his esteemed widow still retains a residence.

In 1866 Mr. Hand was appointed United States attorney for Dakota, a much more important office at that time than the salary would indicate. This office had been held by Hon. W. E. Gleason, who had been promoted to associate justice of the Third District (Bon Homme, Charles Mix and Gregory counties and a number more unorganized), and the position of attorney had not been filled by a federal appointment until the selection was made of Mr. Hand, who became Dakota's second United States attorney, and discharged its duties ably and faithfully. A number of important cases originating in the Indian country gave him an abundance of employment at times, and also gave him a very thorough knowledge of the Indian intercourse laws.

THE TIMBER SUPPLY

There existed grave apprehension in the minds of the early settlers regarding Dakota's limited supply of timber. It was generally believed that the comparatively small forests that fringed the Missouri and the lower Big Sioux, Vermillion and James would disappear within a few years, and the loss of it and the lack of it would prove a great detriment to the settlement and development of the country. No doubt this apprehension did retard the progress of settlement to some extent. The early settlers on the highlands comparatively remote from the timbered streams were put to great inconvenience and doubtless considerable suffering, owing to the difficulty of procuring fuel. Resort was had to burning the prairie hay, which was twisted similar to a rope as compact as possible, and while it burned rapidly and required to be fed into the stove at very frequent intervals, it created warmth and fire, and enabled hundreds of the pioneer farmers to keep their families comfortable during many winters prior to the advent of railways and coal. To such an extent was hay used for fuel that stoves were made with special adaptation to its use. Experience, and the passing of years, has shown, however, that the territory was never destitute of timber in the sections where it was at first abundant. In fact, the people were never able to consume the original supply, although thousands of log cabins were built from it; it was drawn upon for much of the fuel used by the settlers during the first fifteen years of the territory's settlement; a dozen sawmills have been at work in it and an immense amount of lumber has been furnished from it, and yet in the face of this consumption, the quantity and the wooded area has increased much more rapidly than it has been consumed and there are probably a hundredfold more growing trees in the older counties now than when the first settler came in; and the same is true throughout the Dakotas, averages considered. There are many large groves of timber covering many acres in the southern counties of Dakota that were set out thirty and even thirty-five years ago.

These groves have been thinned out from time to time, furnishing a vast amount of fuel. In some instances the owners are cutting out trees that make excellent sawlogs and these with the aid of a portable sawmill are converted into building lumber and used in improving the farm. The timber grows much more rapidly than it is consumed, and farmers are compelled to thin it out every few years as an aid to the growth and symmetrical development of the younger trees. It is the uniform testimony of these farmers who have taken out large quantities of cordwood and sawlogs from their old groves that so far as the appearance shows, the grove does not suffer in the least; while on the other hand the remaining timber is vastly improved.

CHAPTER XXXIX

POLITICS—BLIZZARDS—INDIANS HOSTILE

1866

A POLITICAL YEAR—PRESIDENT JOHNSON AND CONGRESS IN EMBROILMENT—NEW NATIONAL POLITICAL PARTY—DEMOCRATS CAPTURE REPUBLICAN ORGANIZATION IN DAKOTA—THE DELEGATE CAMPAIGN—DOCTOR BURLEIGH NOMINATED BY THE JOHNSON CONVENTION—NEW REPUBLICAN PARTY ORGANIZED—BROOKINGS NOMINATED FOR DELEGATE—BURLEIGH ELECTED—MASSACRE AT FORT PHIL KEARNEY—INDIAN ACCOUNT OF THE TRAGEDY—BLIZZARDS IN 1866—COLONEL MOODY AND SECRETARY SPINK HAVE AN EXPERIENCE—LYNCHING OF HOGAN AT VERMILLION—THE MISSOURI BOTTOMS SUBMERGED FOR SIX WEEKS BY THE SPRING FLOOD—IMMIGRATION; THE MINNESOTA COLONY—DAKOTA BAR ORGANIZED—ANDREW J. FAULK APPOINTED GOVERNOR—A THANKSGIVING PROCLAMATION.

Though not particularly germane to the history of Dakota, but as bearing upon political matters in the territory, it is deemed best to make mention of one of the most extraordinary political conventions ever held in the United States. It assembled at Philadelphia on the 10th of August, 1866. It was termed by its opponents, in derision, a national "love feast." It was a convention of prominent Union men, both democrats and republicans, civilians and military heroes, and many ex-Confederates, mostly military, who had foresworn secession for all time, and returned to their allegiance to the old flag of their fathers. It was a national convention in a geographical sense, and was convened by the adherents of President Johnson's reconstruction policy, for the purpose of arousing a sentiment favorable to that policy among the people of the North, and to bring together in harmony and good fellowship the former secession leaders of the South and the Union leaders of the North, with the view of forming a national political organization in opposition to the Congressional plan of reconstruction, which was termed the radical republican policy. Leading republicans of the North were in the movement. Gen. John A. Dix, author of the famous expression, "If any man attempts to haul down the American flag, shoot him on the spot," was president of the convention. Hon. Henry J. Raymond, editor of the New York Times, and one of the staunchest supporters of the war for the Union, was a conspicuous leader, and other equally celebrated Unionists were in the front ranks of the movement. The proceedings were conducted largely according to a prearranged program, and were very spectacular and interesting. A famous Union general and a famous Confederate general walked arm in arm down the long convention hall, signifying that the North and South were once more linked together in the bonds of amity and friendship. Other features were no less novel and significant, all emphasizing the restoration of the Union, and exoneration for all political offenses. This convention was the formal beginning of a serious breach in the political parties then existing and resulted in complete ruin of the political prospects and ambition of many prominent northern men, for although in its inception it seemed that it would sweep the country, the disposition of the people was mistrustful of it, and when they had an opportunity to be heard at the Presidential election in 1868, they defeated it by an over-

whelming vote. At this convention Dakota was represented by Gov. A. J. Faulk, John W. Turner, D. T. Bramble, M. K. Armstrong and T. W. Miner. A national executive committee was appointed and a new political organization was launched, which became the rallying organization of the democratic party for 1868.

In the beginning of the difficulty between the republicans in Congress and the President, their differences were largely and intensely personal—a mutual personal dislike that forbid such an intercourse as might have resulted in some amicable arrangement of their differences, for before there was any clash or disagreement about reconstruction the personal estrangement had forbid any harmonious intercourse between Johnson and the Congressional leaders. The President was dictatorial, imperious, headstrong, and to differ with him seemed to incur his personal dislike, and he did not hesitate, in his public addresses, to name and denounce some of the leaders of the Congressional policy, preeminent among whom was Hon. Charles Sumner, senator from Massachusetts, and Hon. John W. Forney, a prominent journalist, whom the President stigmatized as a “dead duck.” While the President held the veto power, and could disapprove of the laws passed by Congress, the Congressional party had a two-thirds majority in each house and could override the veto, and did so frequently during Johnson’s term.

The political situation in Dakota was very much obscured by these developments in national affairs. There was no republican or democratic party under those titles. The republicans, following the name chosen by the national party in 1864, called themselves the national union party, and the democrats styled their party the union party. Hon. W. A. Burleigh had been elected delegate to Congress by the national union party in 1864. During the interval between Lincoln’s assassination in 1865 and the summer of 1866 the breach in the republican party had occurred, and new issues entirely were presented. Reconstruction had superseded all former questions. The President and his supporters now favored a liberal and lenient policy toward the ex-Confederates, and desired to restore the seceding states to the Union at the earliest day practicable, and also favored allowing many of those recently in arms against the Government to have a voice and vote in this work of rehabilitation. On the other hand, Congress was determined to “make treason odious” (which phrase had been the shibboleth of President Johnson in the early days of his administration), by excluding all who had borne arms against the Government from any participation in the first steps of reconstruction. Johnson desired only to rehabilitate; Congress was determined to reconstruct. As the former slaves of the South had been enfranchised, the policy of Congress placed the voting strength in the states to be restored largely with the black people, the great majority of whom could neither read nor write. There were comparatively few southern whites who had not borne arms against the Government, and could qualify as voters under the reconstruction acts, and also a number of northern men whom the fortunes of war had left in the South or who had gone there after hostilities ceased to engage in various industrial pursuits, and there were others who seem to have gone there to take advantage of the political situation and secure office under the new state governments. This last mentioned class the southerners called “carpet baggers.”

The democratic party sustained President Johnson and a large number of republicans supported his policy, and united with the democrats on the national issue. It was claimed with substantial reason that the influence of Hon. William H. Seward, who had been Lincoln’s secretary of state and held the same place under Johnson, and who has been called the father of the republican party, caused thousands of republicans to sustain the President; reasoning that Seward must have known the policy Lincoln had in view, and which he would have pursued had he lived, and inasmuch as Mr. Seward gave his cordial support to Johnson, it was inferred that the latter was following a plan devised by the great

war President. Mr. Lincoln's famous Gettysburg dedication address; his second inaugural, and the terms given by General Grant to General Lee on the occasion of Lee's surrender, all indicated that Lincoln would have treated the southern people with magnanimity and with as much liberality as the changed conditions in the South would justify. But Mr. Johnson lacked that important element of strength which Lincoln had in full measure—the confidence of the people.

Dakota's delegate, Hon. Walter A. Burleigh, had sustained Mr. Johnson from the beginning. He had won the cordial friendship of the President, had become one of his confidential advisers and had gained sufficient influence to control all Dakota appointments and a number outside the territory. The appointments referred to within Dakota are given below:

Andrew J. Faulk, governor; William Tripp, surveyor general; Laban H. Litchfield, United States marshal; Nelson Miner, register United States Land Office, Vermillion; W. W. Brookings, superintendent Big Cheyenne Wagon Road; John W. Boyle, receiver United States Land Office, Vermillion; Joel A. Potter, United States Indian agent Ponca Indians; James M. Stone, United States Indian agent Santee Indians; Gideon C. Moody, superintendent Sioux City and Fort Randall Wagon Road; Joseph R. Hanson, United States Indian agent Upper Missouri Indians; E. C. Collins, assessor internal revenue; William Shriner, collector internal revenue; John W. Boyle, associate justice Supreme Court; Enos Stutsman, agent Treasury Department; George Stickney, receiver United States Land Office, Vermillion, in place of Boyle, appointed judge; George H. Hand, United States attorney for Dakota; and four sutlerships. These appointments, with the exception of Governor Faulk, were all given to residents of Dakota, and the governor had resided here in 1861-62, and were all republicans.

Assuming, as seems reasonable, that President Johnson, with the counsel and confidence of Mr. Seward, had adopted a policy substantially devised by his predecessor, which would have been conservative, so much so that, as it was developed under Mr. Johnson's administration, its opponents charged that it was a surrender of nearly all that the Government had contended for in the great civil strife; Mr. Johnson would have encouraged the white people of the South, with few notable exceptions, to resume their relations as citizens, rehabilitate their state and local governments, elect and convene their Legislatures, repudiate their ordinances of secession, ratify the constitutional amendments, and restore their governments to the position occupied prior to the Rebellion, except as to slavery. This policy refused to admit that there had been any actual secession, insisting that such a thing as the right of a state to secede from the Union could not be recognized, therefore the state governments of the South had been in a dormant condition during the Rebellion, and the disloyalists had attempted to create new state governments and a national government called the Confederate States of America, in which they had been unsuccessful, and with the triumph of the Union cause the former status was restored.

Congress took the ground that the rebellious states, while they had not and could not secede or withdraw from the territorial jurisdiction of the United States, had effectually destroyed their former state governments, and it now became necessary to begin at the foundation and rebuild the governmental fabric; that it was the duty of Congress to supervise this reconstruction, and see that these states were rebuilt on republican principles as required by the Constitution, and that this rebuilding should be carried out under the sanction and direction of the national Government; that all persons who had voluntarily borne arms against the United States had thereby disfranchised themselves, and would have to be newly clothed with the functions of citizenship before they could take any part in the formation of the new governments. The effect of this plan would debar practically all the whites, who were citizens of the rebellious states before the war, from any part in restoring those states to their places in the Union. They could neither vote or hold office, and as the negro had been

enfranchised and had not voluntarily borne arms against the Government, and as they constituted the only class of citizens that could be recognized, the work of reconstruction in the beginning, so far as the exercise of the voting privilege entered into it, fell to the black people. The first step in reconstruction work had been the appointment of military governors in the states to be restored, placing them under martial law. Under proclamation issued by these military officials, elections were called and state officers and Legislatures chosen from among the qualified electors, and as a matter of course a large number of negroes were elected to office—the most intelligent class. The most important offices, however, were filled by white men, some of whom were adventurers, and others southern Union men who had not borne arms voluntarily against the Government. Some of these officials proved to be dishonest and lent their official positions to corrupt practices. Under the new state legislation bonds in large amounts were issued to provide funds for setting the machinery of government in motion, and the proceeds of these securities were in some instances misused in a scandalous manner, much to the discredit of the northern men who had taken a prominent part in the reconstruction work. The Legislatures annulled all secession ordinances, ratified the new amendments to the Federal Constitution, and elected United States senators. When this had been done satisfactorily, Congress began the work of restoring the former disfranchised whites to citizenship by relieving them of their political disabilities. First to receive this boon were all persons who had held no office, either civil or military, which included the private soldiers, under the so-called Confederate Government, and after a convenient season of waiting, the disabilities of a certain grade of civil and military officers were removed, and so on, until the leaders of the Rebellion and the influential persons connected with it were reached, when a new requirement was added, making it necessary for the party desiring amnesty and enfranchisement to make application by petition and a special act of Congress would be passed, removing their disabilities. A very few, who were regarded as the chief conspirators, or had been guilty of flagrant violations of the laws of war, were not offered amnesty on any terms, and there were a number in the class who were required to petition who refused to avail themselves of the privilege.

JOHNSON REPUBLICANS

In the Territory of Dakota, in 1866, the republican party was about equally divided between Johnsonism and radical republicanism, as it was termed, while the democrats to a man endorsed the President. This gave Johnsonism a decided majority and assured the election of a delegate and other officers from that party. The political campaign was formally opened about the middle of August by the calling of a territorial convention by the committee of the national union party appointed at the republican convention held in 1864, at which Mr. Burleigh was first nominated. The following is a copy of the official call:

There will be a territorial convention of the National Union Party of Dakota Territory held in the Town of Vermillion, County of Clay, on Thursday, September 6, 1866, at 2 o'clock P. M., for the purpose of placing in nomination, to be supported by the people, at our next general election, the following territorial officers, to-wit: One delegate to Congress, one territorial auditor, one territorial treasurer and three members of the Territorial Board of Education, and for the transaction of such other business as may properly come before it. The several counties will be entitled to as many delegates in the convention as such county may have of representatives in the Legislature. The Territorial Committee respectfully recommends to the legal voters of the territory who are disposed to cooperate with the National Union Party to meet at the county seats of their respective counties on the Saturday preceding the territorial convention and elect delegates to the same. By order of the Territorial Central Committee.

J. R. HANSON,
Chairman National Union Central Committee of Dakota.

Here follows a number of convention calls by the various counties; first, Yankton County:

A mass convention by the National Union Party of Yankton County will be held at the capitol building in the Town of Yankton, on Saturday, the 1st day of September next, for the purpose of electing delegates to the Territorial Union Convention to be held at Vermillion, the 6th day of September next, and to transact any other business that may come before the convention.

MANY CITIZENS.

The democrats had concluded to call no conventions of their party, but to join with the national union party on a Johnson platform in the conventions, and in the election of all territorial and county officers. This program was followed, and its effects will be observed in the proceedings following, where the old story of the lion and the lamb was affectionately illustrated—the republican lamb being largely concealed from view.

The following call was issued to the electors of Clay County:

The National Union Party of Clay County will meet in convention at the Town of Vermillion, on Saturday, the 1st day of September next, for the purpose of electing delegates to the Territorial National Union Convention to be held at Vermillion on the 6th day of September next. A full attendance is earnestly desired. By order of the committee,
C. N. TAYLOR, Chairman.

The mass convention in Yankton County was duly held at the time stated. The convention was called to order by A. G. Fuller, who read the call, after which Henry C. Ash was elected chairman, and Dr. Franklin Wixson, secretary. The business of the convention having been stated by the chair, the convention at once proceeded with the election of delegates with the following result: John Stanage, Thomas Frek, John Lawrence, M. K. Armstrong, L. W. Case, C. G. Irish, W. N. Collamer, L. Congleton and Dr. Franklin Wixson. After which the convention adjourned.

The national union party of Todd County was organized September 1st at a mass convention held at the residence of Charles McCarthy, in Spring Lake, Todd County, Dakota Territory. On motion of General Todd, Dr. Joel A. Potter was elected chairman, and Charles McCarthy, secretary. Doctor Potter, on taking the chair, addressed the convention in a brief and appropriate speech, alluding to the object of the meeting and urging the importance of harmony.

General Todd then stated the object of the meeting more fully, stating that it was proposed to organize the national union party of Todd County. The general then moved that the meeting endorse the platform of principles adopted by the national union party of the country at the Philadelphia convention, which motion carried. On motion of John Dillon, Esq., the convention proceeded to elect an executive committee of the party in Todd County, which resulted in the choice of J. B. S. Todd, Charles McCarthy and Luke Lavery. Delegates to the territorial convention to be held at Vermillion, September 6th, to-wit: Joel A. Potter, John Dillon and Jonathan A. Lewis, were then elected, when the convention adjourned.

Conventions were also held in Union, Clay, Bon Homme and Charles Mix counties, and delegates elected. The Philadelphia platform was uniformly endorsed.

THE TERRITORIAL CONVENTION

The territorial convention of the national union party was held at Vermillion September 6th. The convention assembled in the schoolhouse, and was called to order by Capt. Nelson Miner, of Clay County. Hon. John W. Turner, of Clay, was then elected chairman, and Charles E. Hedges, of Charles Mix, and O. F. Stevens, of Union County, secretaries. A committee on credentials was appointed, consisting of John Lawrence, Yankton; Nelson Miner, Clay; and

O. F. Stevens, Union, that later reported the following persons entitled to seats in the convention:

Todd County—Joel A. Potter, John Dillon, Jonathan A. Lewis. Charles Mix County—James Somers, John J. Thompson, Charles E. Hedges. Bon Homme County—Hugh Fraley, John Brown, Jacob Rufner. Yankton County—John Stanage, John Lawrence, Thomas Frick, Laban H. Litchfield, L. W. Case, W. N. Collamer, C. G. Irish, Leonidas Congleton, Dr. Franklin Wixson. Clay County—Capt. Nelson Miner, N. V. Ross, M. McCue, G. W. Pratt, W. Russell, C. Larson, John W. Turner, P. H. Jewell, A. A. Partridge. Union County—D. M. Mills, J. R. Wood, Michael Curry, William Gray, J. Broulette, D. Chaussee, O. F. Stevens, C. P. Heath, R. Mehan, William Walters.

This report was adopted.

A committee of nine was then appointed to draft and report resolutions, made up of the following delegates: Joel A. Potter, Charles E. Hedges, Hugh Fraley, Doctor Wixson, W. N. Collamer, P. H. Jewell, John W. Turner, D. M. Mills and C. P. Heath. The organized counties were all represented on this committee, who after a brief absence returned and reported the following:

Resolved, That our political creed is briefly and yet fully expressed in the declaration of principles adopted by the National Union Convention at Philadelphia on the 16th of August last, which resolutions we heartily endorse and declare to be the chief and corner stone of the National Union Party of Dakota.

Resolved, We hold that each state and territory has the right to prescribe the qualifications of its electors, and we are opposed to any alteration of our laws on the subject of suffrage.

Resolved, That the nation owes a lasting debt of gratitude to the soldiers and sailors of the late war for the suppression of the rebellion, and in the bestowal of public patronage, preference should be given them, and as a partial tribute for their services the Government should donate to each of those who have fallen in the service, or have been honorably discharged, or to their legal representatives, 160 acres of land, and justice to those who entered the service in the early part of the war demands that immediate provision should be made for a full and impartial equalization of bounty.

Resolved, That in behalf of the best interests of the citizens of Dakota Territory we are opposed to the bestowal of any political patronage belonging to the territory upon non-residents.

Resolved, That our delegate in Congress be requested to present no man's name for a federal appointment who does not cordially support the Philadelphia platform.

The resolutions were adopted as the platform of the national union party of Dakota.

On motion of L. H. Litchfield, the convention then proceeded to make nominations by acclamation.

John Lawrence moved that the convention nominate Hon. Walter A. Burleigh for delegate to Congress. Carried unanimously.

On motion of D. M. Mills, D. T. Gore, of Union County, was unanimously nominated for territorial auditor; and on motion of John Lawrence, M. K. Armstrong was unanimously nominated for territorial treasurer.

On motion of D. M. Mills, William Walter, S. A. Bentley and Hon. John W. Turner were unanimously nominated a territorial board of education. The following resolution was then unanimously adopted by the convention:

Resolved, That the unwavering course of our delegate in Congress, his firm adherence to the patriotic policy of the President of the United States, his hearty endorsement of the Philadelphia platform, and his earnest and untiring efforts in behalf of our territory, and in relation to the Indian affairs in the Northwest meet both our cordial and sincere approval, and we call upon the citizens of Dakota, who have its best interests at heart, to cooperate with us in securing his election.

On motion of L. H. Litchfield the following territorial central committee was then appointed: J. B. S. Todd, chairman; Chas. P. Heath, Union County, secretary; Laban H. Litchfield and Samuel Morrow, Yankton County; D. M. Mills, Union County; Hugh Fraley, Bon Homme County; P. H. Jewell, and A. A. Partridge, Clay County; and Charles E. Hedges, Charles Mix County.

On motion of John Lawrence, the proceedings were ordered published in the Union and Dakotian, at Yankton, D. T.; and then on motion of Charles E. Hedges, the convention adjourned.

The adjournment of the convention was followed by many demonstrations of enthusiasm, and the "dyed-in-the-wool" democrats and the "black republicans" greeted one another in the most cordial manner. It was a happy occasion, and the exuberance of good feeling found expression in an impromptu ratification meeting, held soon after adjournment in the open air. Doctor Burleigh gave expression to his appreciation of the action of the convention, and reviewed the political situation in a very able and interesting speech. He was followed by General Todd, the "wheel horse of the democracy," who, after extolling the wisdom and patriotism of the Philadelphia convention, referred to Dakota politics. He said he had fought and opposed Doctor Burleigh in the last campaign to the best of his ability; but now he proposed to stand by him and aid his election by every means in his power. Politics he knew made strange bed-fellows, but this was a time when the animosities of the past should be forgotten, and a cordial greeting extended to all who were willing to put their shoulders to the wheel and work for the great national cause.

THE CONGRESSIONAL REPUBLICAN PARTY

We now come to the action taken by those in Dakota who did not endorse the policy of President Johnson, but who supported the congressional plan of reconstruction. This sentiment, up to August, 1866, found expression through no party organization, as none existed, hence a new organization became necessary if Congress was to have any support in Dakota. This being the situation, Hon. W. W. Brookings, of Yankton, set to work during the summer for the purpose of bringing an organization into the field that would combat the national union party and show to the country that Congress had supporters in Dakota, and it was generally believed that Mr. Brookings was willing to accept from the new organization the nomination of delegate to Congress. It was not thought that Mr. Brookings anticipated a victory for his new party at that time, as the time intervening before election was too brief to permit of a thorough canvass of the territory, and an intelligent discussion of the differences between the contending parties, and these were not at this time well understood by the great mass of voters, and were regarded by a large number as simply a choice between two plans, either of which would satisfactorily accomplish the same end. Mr. Brookings, however, went forward with his work; his first move was the calling of a mass convention, at Yankton, of those who sustained the congressional plan of reconstruction. This convention was called to meet at the capitol building on the 14th of August, 1866, for the purpose of electing delegates to a territorial convention to be held at Vermillion, August 27th following. All who endorsed the congressional plan of reconstruction, were cordially invited to participate in the convention. In accordance with the call the mass convention assembled on Wednesday, the 14th of August, when Mr. Brookings called the convention to order, and Bucklin Wood was elected chairman, and Charles F. Rossteuscher, secretary; after which, on motion of Mr. Brookings, nine delegates were elected to represent Yankton County in the territorial convention, namely,—W. K. Brookings, Jacob Brauch, W. E. Root, A. L. Hinman, Cras. F. Rossteuscher, Bucklin Wood, P. H. Risling, Washington Reed, Ole Sampson.

The chairman then, on motion, appointed a county central committee consisting of Jacob Brauch, W. E. Root and A. L. Hinman, who were instructed to issue an appropriate call for a territorial convention.

An address was then made by Mr. Brookings, in which he took the ground that the rupture in the national union party was so serious and based on such irreconcilable differences, that any compromise was impossible. President John

son had practically surrendered himself to the direction and control of the democratic party. He pointed out that the national union party of Dakota, heretofore substantially the republican organization, had through its committee surrendered the territorial democratic party; hence the true and straight republicans found but one course open to them, and that was to start anew and organize the republicans in a party of their own under their own proper name. That the delegate to Congress, Doctor Burleigh, elected two years previously by the republicans, had joined hands with the President in his crusade against the republicans in Congress, and could no longer be entrusted with the standard of republicanism. That Congress had provided the only safe policy and plan of reconstructing the states lately in rebellion, and upon the success of this policy the hope of future peace and the development and prosperity of the whole country, was based.

The convention then adjourned.

On the day following the Yankton County Convention the subjoined call was issued:

All republicans and others who endorse the reconstruction resolutions of Congress are invited to send delegates to a territorial convention to be held at Vermillion on the 27th day of August, at 12 o'clock M., to nominate a candidate for delegate to Congress, also territorial treasurer and territorial auditor. The ratio of representation to be one delegate for each member of the Territorial Legislature. This convention is called at the request of many republicans throughout the territory and by a resolution passed unanimously by a Republican Union Convention of Yankton County, held at Yankton on the 14th inst.

Yankton, D. T., August 15, 1866.

JACOB BRAUCH,
W. E. ROOT,
A. L. HINMAN,

Committee appointed by Yankton County Convention to issue a call for a territorial convention.

Mass conventions were held in the several legislative districts but their proceedings were not published and no record has been preserved.

The territorial convention was held at Vermillion, August 27, but the proceedings were not published, and no record thereof can be obtained, except the comments of the two newspapers then printed in the territory, both of which were unfriendly. W. W. Brookings was nominated for delegate to Congress; N. H. Schooler for territorial auditor and Aaron Carpenter for territorial treasurer, and a central committee appointed with Jacob Brauch as chairman.

During the same year it became necessary in compliance with law to elect members of the Legislature and county officers, and the ordinary course of holding nominating conventions in each organized county was pursued; in all the counties where the regular republican committees called conventions the democrats attended in such numbers as to outvote those republicans who favored the congressional party. One result was that the democrats nominated the legislative tickets, though giving a partial representation to what was termed the Johnson republicans; the conventions, however, acted under the title of the national union party.

The House of Representatives chosen was made up of a majority of the Johnson republicans and democrats. The title of the new party organized under the leadership of Mr. Brookings and Colonel Moody was "the republican party." The council members elected in 1865 held over.

The election was held on Tuesday, October 9th. There was but one voting precinct in Yankton County, and the polling place was the capitol building. The reader, who can call to memory the names and faces of the Yankton politicians of thirty-five and forty years ago, will find in the illustration of this event, on an adjoining page, a view of the first capitol building, and will be able to recognize about the thirty or more electioneers, a number of the pioneers. The Australian ballot had not been introduced at that time, and tickets were sup-

plied by the party committees. Mr. Brookings is conspicuous; Mr. Bramble is easily distinguished; Mr. Ash can be identified; Hon. A. M. English is there—he was elected a member of the Legislature. It was a national union year and former democrats carried off most of the honors. L. W. Case is visible, as also is Judge Presho, who can be easily recognized.

The vote on delegate to Congress in the various precincts of the territory was very light, as will be seen from the figures following, giving Doctor Burleigh and the national union tickets for legislative and county offices, majorities ranging from a close vote to a clean sweep. In Union County there were four precincts, in Clay County two, and but one in each of the other counties:

Union County, Sioux Point Precinct, Burleigh received 41 votes, and Brookings 15; Reandeu's precinct, Burleigh 98, Brookings 22; Elk Point precinct, Burleigh 53, Brookings 37; Brule Creek precinct, Burleigh 21, Brookings 11; Clay County, East Vermillion precinct, Burleigh 67; Brookings 15; West Vermillion precinct, Burleigh 12; Brookings 37. Total for Burleigh 79; Brookings 52; Yankton County, Burleigh 95; Brookings 87; Bon Homme County, Burleigh 17, Brookings 14; Charles Mix County, Burleigh 59, Brookings 2; Todd County, Burleigh 25, Brookings none; Pembina County (Red River), St. Joseph precinct, Burleigh .96; Pembina precinct, Burleigh 7. There was no Brookings ticket.

Total vote cast for delegate in the organized counties on the Missouri slope was 743; Burleigh receiving 489, and Brookings 254. Adding Red River the total vote was 846.

The territorial officers elected were M. K. Armstrong, Yankton, treasurer; and I. T. Gore, Union County, Auditor.

Territorial Board of Education, John W. Turner, Clay County; Samuel A. Bentley, Bon Homme County; and William Walters, Union County.

A COMPANY OF SOLDIERS SLAIN NEAR FORT PHIL KEARNEY

Without warning, and when there was a general belief that the Indian troubles throughout the Northwest were pacified and settled, and the reign of peace restored, the Teton tribes west of the Missouri and north of the Cheyenne, broke out in open hostility early in the spring of 1867. Many Indians who had been parties as members of the tribes who had joined in the recent treaties, took to the war path, and all seemed animated by a fiendish desire to slaughter. And because of the hundreds and even thousands of emigrants that were then pressing forward to the auriferous gulches and streams of Montana and Idaho from this direction, there was abundant opportunity for the Indians to gratify their fiendish temper. The cause of this sudden outbreak and the apparent deep-seated hostility of the natives was attributed very largely to the invasion of their landed domain by the gold-seeking emigrants. The Indians claimed that they had agreed to permit travel through this country only by boats; that the land travel was a violation of the treaties and that it did them permanent and incalculable injury in destroying the game, robbing their fishing grounds and trapping parks, and sowing the seeds of immorality among their young people both men and women. Probably many of the emigrants conducted themselves in an imprudent, insolent, and in some cases, grossly immoral and dishonest manner, in their intercourse with the Indian people, engendering a feeling of enmity and a desire for revenge. Added to these indignities was the apprehension of the Indians that so large an influx of white people signified an early abandonment of their land to make way for the aggressors. They were fighting, as they reasoned, for self-preservation, and by their horrid atrocities expected to frighten the whites out of the country and put a stop to their coming. The building of the Union Pacific Railroad was in progress at this time, an enterprise that found no favor whatever with the untamed children of the forest and plain, who regarded it as an enemy that would drive them from

their buffalo ranges east of the mountains and exterminate the animal that furnished them their principal support.

About this time the frightful and atrocious massacre near Fort Phil Kearney, one of the posts built on the headwaters of Powder River in 1865, under General Sully's military administration, had aroused public interest and awakened an intense feeling throughout the country. This sanguinary slaughter occurred on the 21st of December, 1866, and was about the first of the hostile acts of the Indians. Three officers, Lieutenant-Colonel Fetterman, Captain Brown, and Lieutenant Greenwood with ninety soldiers were slain. Not one escaped. All were killed and scalped, their bodies chopped with knives and tomahawks, stripped of every article of clothing, and shot through and through with arrows. There were about three thousand Sioux Indians in the vicinity of the fort, and about one-half were engaged in this atrocity. The troops had been decoyed from the fort, caught in ambush, and slain to the last man. The number of Indians killed was reported at 500, and 1,000 wounded; but this was not credited, as the troops were at a great disadvantage and must have been allowed little time for defence.

Fort Phil Kearney was in the Territory of Dakota (now Wyoming), situated at Pine Forks at the base of the Big Horn Mountains on the northeast, and 250 miles from Fort Laramie. The particulars of the slaughter were never told by white men, for the reason that none were left to tell the story. It was only from the Indians who did the killing, that an account of the affair, which was something of a battle, but in its details partook more of a massacre, could be obtained; and this came some months later. The following statement was made by a Sioux Indian chief, who participated in the tragedy, and confirms the partial account given by General Carrington, who was in command of the fort:

The Sioux had been hovering around the fort for some time, watching an opportunity to cut off the soldiers who came out for hay and fuel, and also for the purposes of capturing horses. They numbered about two thousand and were all warriors, with no women or children. The Indians finally hit upon a stratagem to draw the troops from the fort, expecting it would furnish an opportunity to capture the post and massacre the entire garrison. About two miles from the fort there was a deep coolie or ravine, and the main body of the Indians were stationed on opposite sides of this defile, lying close to the ground so as not to be seen; while a small number of their best riders were sent on a dash up near the fort where the Government horses were loose and stampeded them. The commander of the post sent out about ninety men and officers to pursue the Indians and recover the stock. The small band of marauders rode slowly enough to encourage the troops in pursuit as far as the narrow defile, where over twelve hundred Indians were concealed, prepared to destroy them. The trap was successful in every particular. After Colonel Fetterman and his men had fairly entered the defile, the Indians who lined its slopes on either side raised and fired a volley of arrows and bullets, killing on the spot all but seventeen of the soldiers and every officer. These seventeen, though a number of them were wounded, fought bravely and killed fifteen or twenty of the Indians, among them the three principal chiefs, before they were shot down. There was one soldier that neither arrows nor bullets would fell; he had received a number of wounds, but stood up and fought hand to hand till overwhelmed by the Indians closing in upon him, when they carried him off a prisoner and finally tortured him to death. The Indians claim that they had 600 picked young warriors near the fort so as to make sure of its capture in case the troops should be sent out to the relief of their comrades. This was not done, though the firing was plainly heard at the fort.

This was the Indian account. From military sources it was ascertained that Colonel Fetterman disobeyed orders in following the Indians into the ravine. He was instructed to go no farther than the hill which bordered the upper end of the ravine. Had he confined himself to this limit, the tragedy could not have occurred as it did, and some portion of the command might have escaped, though they would have been compelled to fight their way through the 100 who had been stationed near the post. When the battle was visited by the officers of the fort, a ghastly spectacle was presented to their vision. The Indians had mangled the remains of the dead in the most barbarous manner. The bodies had all been stripped of their clothing and were brutally cut to pieces.

One man was found with 256 arrows sticking in to his lifeless corpse, and nearly all the bodies were pierced with a score of arrows. These arrows had been shot into the dead bodies after the battle. It was the Indian way of emphasizing their hatred of the whites. The officers killed were Lieutenant-Colonel Fetterman, Fifteenth Infantry; Capt. W. Brown, eighteenth Infantry; 2nd Lieut. George Greenwood, eighteenth Infantry; and Lieutenant Bingham, 2d United States Cavalry. Colonel Carrington, commanding officer, engaged a scout to carry a dispatch with the fateful tidings to General Palmer, at Fort Laramie, 250 miles away, through a wilderness of mountain and plain, covered with a heavy snow. This scout made the journey and reached Laramie on New Year's evening, 1867, while a military ball was in progress. The music ceased, and there was no further sound of revelry. (The scout was paid \$1200 for his trip.) Palmer immediately sent a detachment of troops and supplies to the relief of the fort, supposing the post was in imminent danger. The weather turned intensely cold, and the march to Fort Phil Kearney was made through two feet of snow frequently, and the last twelve miles occupied two days, the road being impassable because of the depth of snow; resort was had to the shovel to clear away the obstruction. About seventy of the command, including officers as well as private soldiers, were badly frozen, so that amputation was necessary in many cases.

The military people alleged that the Civil Peace commissioners had furnished the Indians with guns and ammunition to hunt with; and there followed for a time a great war of words between the military and those who defended the peace commission, waxing so heated that it was claimed the two factions were as hostile to one another as were the Indians toward the whites, and that a few scalps would be enjoyed by either side.

These Indian hostilities ceased during the summer, and in November General Sherman pronounced the Indian war ended. There had not, however, been an Indian war; but during the year '67, every month brought its crop of threatening rumors; the peace commission was kept busy making treaties; the control of the Indians had become a bone of contention between the Quakers and the Military, so that the public mind might have been impressed with a belief that a war was being or had been waged. Sherman's assurance of the termination of all hostile feeling referred to organized bodies of Indians prepared for war. It could not have been intended as an assurance that the frontiers were in no danger from marauding bands. These small war parties, whose purpose appears to have been plunder but who did not hesitate to kill, continued their predatory occupation, assailing the steamboats, capturing the emigrant trains, killing the emigrants and confiscating their goods and live stock; requiring the active efforts of the limited force of troops stationed at the various posts and agencies, to prevent their becoming more formidable.

A JANUARY BLIZZARD

An intense cold spell visited the settled portions of the territory in January, 1866, which was the cause of considerable suffering among the settlers, and many cases of freezing, but none fatal. Theophilus Brughier, who was engaged in the robe and fur trade along the upper river, had a train of fifty oxen engaged in hauling robes down the valley from his trading posts near Pierre, and every animal was frozen to death, and the train abandoned by the drivers, who were compelled to seek shelter at the fort.

A wind and snow storm of alarming proportions, visited the entire settled part of the territory in February. It was a genuine blizzard, of the dangerous character, and continued to rage, with terrible fury, for thirty-six hours. Colonel Moody, and his successor in office, Mr. Miller, were out on the Government wagon road, near James River, when the storm suddenly burst upon them, and in their efforts to find their way into town, became lost. By good fortune,

they ran against a barn belonging to W. W. Benedict, in the eastern suburb of the thinly inhabited town, where they were compelled to remain all night, suffering painfully from cold, and would probably have perished had they ceased their exercise during the long night, for both were quite benumbed with cold, and compelled to resort to many expedients to keep from falling asleep. They escaped with frost-bitten feet, hands and faces. Similar experiences occurred to a number in all the settlements, the storm being widespread. This "blizzard" came up at a time when men were just preparing to quit their occupation for the day, and return home. Scores of people got lost, but fortunately stumbled upon an outbuilding or a neighbor's house, and spent the night safely—their families and friends, in the meantime, using every effort, through the night, to discover their whereabouts, and in some instances wailing bitterly under the belief that the worst had befallen them. People who were acquainted with the dangerous character of the "blizzard" remained in doors, and ventured out only when urged by the most pressing necessity. There was the class known as "Old Timers," who would take the precaution to fasten a strong cord to the door post, and then holding fast to this guide would make their way to a nearby neighbor's or to a barn, returning safely aided by the rope. It was the uniform testimony of these experienced ones that they lost all sense of direction as soon as the storm struck them.

Mr. Spink, the secretary of the territory, resided at Yankton, not far from the Missouri River. He was a man of unusual size and strength, and had heard the blizzard stories of the Dakota people, but was not inclined to give the blizzard credit for so much fury as the people had associated with it and having some reasonable excuse for a visit to a near-by store, concluded to test the stuff that blizzards are made of. The store was a block and a half distant; there were three buildings and a long strip of fence that guided him, and he reached the store somewhat exhausted, as he confessed. The storekeeper resided at his place of business, and was at home; and when his visitor prepared to depart, he cautioned him about clinging to the fence and buildings on his way back. The caution was of no value, for Mr. Spink was unable to find a vestige of fence or building after he left the store, and became so confused the first five minutes that he realized he was lost. The wind blew from all directions, and no matter which way he turned the wind struck him squarely in the face and took away his breath. He struggled and stumbled for two hours and finally concluded he had fallen over the river bank. While under this delusion, his outstretched hands came in contact with a structure of some sort, and through the snow he detected the glimmer of light; and keeping the light in view, a few struggles and steps brought him to the window through which the light beamed. He aroused the inmates and was admitted; his face had been exposed and was badly frozen. His refuge was near the corner of Third and Locust streets, not a quarter of a mile from his residence. He remained here until noon of the following day, and though the storm had only slightly abated, he made his way home in safety. In speaking of his blizzard experience later, he declared that the blizzard stories he had heard related, and could not credit, were so far from being an exaggeration, that they failed to convey any adequate idea of such a storm. No language could describe it, and to pass through one, exposed to its fury as he was, and come out alive, seemed little less than miraculous. The constant, furious, eddying wind, and blinding snow, simply deprived a person of all sense of direction, and left him a prey to doubtful chance.

These storms were of annual occurrence during the early years of Dakota's settlement, and two or three were not unusual during a winter season. They do not now appear to have been as furious and prolonged for the past twenty-five or thirty years, for what cause we can only conjecture. We believe a modifying influence has been exerted by the settlement of the country and the artificial groves that have become so numerous and widespread. One of the most dangerous features attending a blizzard was where it broke out abruptly during

the day time, and caught the farmers on the road or in town with their produce to sell, and citizens of the sparsely settled towns at their places of business. The blizzard usually came on without much warning, and would continue, as a rule, until the third day without intermission or modification. The most serious and dangerous form of this storm occurred when there was a fair depth of snow on the ground; the wind would lift this snow into the air and whirl it about in its furious eddies, and it was these forceful eddies that made breathing so difficult in the teeth of the gale. The blizzard snow gets finely pulverized, and will find its way through any crevice the wind can penetrate. Cattle suffer intensely if exposed to a blizzard even if protected by sheds; the snow clouds the animal's face, and is inhaled, and finally the nostrils are filled and packed with it, and the mouth covered with an icy crust, while the snow covers their head and eyes, blinding them. The doomed brute becomes frantic, rears and plunges, maddened by the tortures of suffocation, from the effects of which it finally succumbs. In some instances farmers lost their entire herd where the cattle were bunched together in open sheds, all perishing from suffocation.

THE LYNCHING OF HOGAN

James Hogan was lynched at Vermillion on the night of February 26, 1866. It was one of those cases where the people of the community felt that their personal safety demanded that the desperado should be put out of the way of doing violence to others, but after he had been lynched, it was said that it was a most barbarous thing to do and not altogether necessary. Hogan appears to have been a terror to the law abiding people; fond of drinking to excess, and desperate and ungovernable when influenced by drink. Dakota communities were at that time emerging into orderly, law abiding communities, but public order had not become the settled rule, and men of the Hogan type were endured as a necessary evil until patience was worn out, and the gibbet called in as the only effectual remedy. There were no jails or places for confining vicious persons, though the courts were established. About four weeks before the lynching, a man named Hagan (not Hogan), had shot a hole through Herman Oleson's leg, with a revolver. This occurred at Vermillion, and created so much indignation that a number of the law-abiding citizens, without consultation, reached the conclusion that it would be necessary to make an example before they could put a stop to the disgraceful brawls and shooting scrapes which was injuring the fair name of the community. Hogan was drinking freely on the 26th, and in the afternoon, while in the land office, made a violent attack upon a young Norwegian, named Burgis, or Burgess, snapping a revolver at him several times while in McHenry's store, but the cap did not explode, or there may have been none. Hogan then walked out into the street, pointed his pistol at a number of parties and snapped it, but did no damage except to stir up a furious storm of indignation. He was playing the bully and seemed to have pleasure in terrorizing the people. Finally Patrick Hand grappled with him, secured his revolver and gave it to Captain Miner, who locked it up in the land office. Hogan entered the office in a perfect frenzy and demanded the weapon, declaring that he was going to shoot Burgess. Miner seized him and after a struggle got him into the street. About a dozen Iowa soldiers were quartered in the village, and Miner turned Hogan over to the detachment and requested them to tie him up and keep him until night. He was tied to a large tree in front of the quarters, with a rope wound several times around his body. While he was confined in this way, General Todd, who happened to be there, went out and talked with him. He told the general that Burgess and his father had burned his cabin, about five miles below Vermillion, and all he had in it, and he intended to shoot both of them. He said further that while his cabin was burning he caught a son of Burgess's, a small boy, and held him over the flames until he confessed that he thought his father

might have fired the cabin. Hogan said that he "then chucked the boy's head against a log and left him insensible." About dark Hogan was removed, and it was said he had been taken inside the quarters. The cry of "murder" was heard several times about eight o'clock in the evening, and before ten o'clock several persons saw Hogan's lifeless body hanging to the limb of a tree a short distance from the mouth of the Vermillion River. No attempt was made to disturb the body that night. The next morning the place of execution was visited by a number, and Hogan was found hanging by a half inch rope, with his feet squarely on the ground—his hands were tied behind him; his face presented a most revolting and sickening appearance. The body was taken down, and the ladies of the village collected enough to purchase a coffin and shroud, and the body was buried under the tree whereon he was hung. While public sentiment condemned the lynching as unjustifiable because the man was in custody and the courts were open, it appeared that he could not have been legally restrained of his liberty for any offense he had actually committed for any length of time, and a partial justification was given by the statement that Hogan would have been hung finally anyway, and his lynching probably saved the life of one or two whom he had marked as targets for his revolver. A term of court was held in June, 1866, at which Judge Kidder charged the grand jury to thoroughly investigate the lynching. The jury took up the tragic affair, but were unable to secure the least evidence that would justify an indictment. Whoever were concerned in the crime kept the secret well, and it was never divulged. At the time the offense was committed public sentiment in the neighborhood of the occurrence was not inclined to look upon the tragic occurrence as an unmixed evil. This was the first appearance of public lynching in Dakota.

THE FLOOD OF 1866

There was a great flood in the spring of 1866, and the Missouri bottom lands between Yankton and the Big Sioux River were covered with from two to six feet of water. The winter had been unusually cold and the heavy ice did not float out of the river through its channel when the break up occurred in March, but gorged in the big bend below the mouth of James River, backing the water up stream fifteen miles, and inundating the low lands in Union, Clay and Yankton counties. For several weeks all travel between Yankton and Sioux City direct, except for small boats, was suspended. No great damage ensued, the farmers generally having been forewarned, and had removed their live stock, feed, and necessary supplies, to the highlands, before the flood came. During this overflow, the Government engineer, in charge of the Big Sioux and Fort Randall wagon road, discovered that the bottom lands were higher nearer the river than farther back toward the highland, and made some important and economical changes in the location of the road, because of this discovery. It was also discovered that where the bottom and bluff join there was a swift current and a depth of water sufficient to float a steamboat, from which it was concluded that the main current of the river had sought that as the route offering the least resistance, indicating that the land was the lowest next to the bluff. The Big Sioux Valley was inundated during this high water period, but it had no settlers except on Brush Creek and lower down, to be discommoded.

After the high water subsided there was considerable immigration during the late spring and early summer, and also during the fall. The City of Yankton made notable progress in improvement, but did not gain much in population. The church and the schoolhouse and a thousand shade trees planted, were the principal improvements accomplished. Both Union and Clay counties, and along up the Sioux Valley into Lincoln County, a large majority of the farmer class of immigrants located. It was apparent that the lands of Union

and Clay were sufficiently attractive to arrest the immigrant, and until they were taken up there would be a very limited immigration to the counties west of them. Immigration was not active in 1866 in the direction of Dakota. Wide wastes of excellent land yet remained in Minnesota and Nebraska, and the pre-emptors and thousands of homesteaders found their locations in those states. During the summer a colony of Minnesotians visited Dakota, headed by Charles H. McIntyre, James F. Jones, Albert Lee, Daniel Morey and Warren Osborne. These gentlemen were on a prospecting tour from Albert Lea, Freeborn County, with the intention of locating at Sioux Falls. They learned on their trip that Sioux Falls was occupied by the military, and was unsafe, and unwilling to abandon their enterprise, came into Yankton and Bon Homme counties. As a result of their unpremeditated visit they each took upland, and McIntyre, Jones and Lee purchased a sawmill in Smutty Bear's Bottom, and then returned to Minnesota to arrange their business affairs. In the early spring of 1867, accompanied by their wives and children, they journeyed across the plains and reached the Missouri Valley in May, making a permanent settlement in Yankton and Bon Homme counties. These were accompanied, and also followed by other families, and though not as numerous as the New York colony of 1864, their numbers, intelligence and energy were sufficient to win for them the title of the Minnesota Colony, though nearly all could claim their native heath in the eastern states, having emigrated at an early day to Minnesota. Mr. McIntyre was a man of exceptional merit and enterprise, and left his mark in many commendable works during his residence in the territory. He, however, found greater inducements in Colorado, and in 1874 settled in that territory, where he still resides.

The general topics of greatest interest in the territory in 1866 were the subjects of railway transportation, and the feud between Congress and the President. It was manifest that the surplus products of the Dakota farms, which were expected to increase, would need to seek their market in the East, and a railroad convenient to the farming settlements would be necessary to render the productions of the soil at all profitable; and also necessary to encourage their production.

THE DAKOTA BAR ORGANIZED

The lawyers of Dakota Territory met at the office of S. L. Spink, the territorial secretary, at the capital, on the 5th of December, 1866, and organized an association called the "Bar of Dakota." There were present the venerable Hon. John W. Turner, of Clay County, who had sat in the legislative halls of the State of New York as a member; and George Stickney, of Union County; Hon. A. W. Burleigh, Bon Homme County; General J. B. S. Todd, of Todd County; and Enos Stutsman, Solomon L. Spink, William Tripp, George H. Hand, Gideon C. Moody and E. H. Brackett, of Yankton County representing the practicing attorneys; also Chief Justice Ara Bartlett; Associate Justices Jefferson P. Kidder and John W. Boyle, the United States Marshal Laban H. Litchfield. John W. Turner was the nestor of the gathering, and was elected president. The lawyers called him Father Turner. George H. Hand was elected secretary. A committee on permanent organization, composed of J. B. S. Todd, J. W. Turner and William Tripp were appointed. It was then decided to have a bar supper at the Ash Hotel, on the following evening, and G. C. Moody, George Stickney and E. H. Brackett, were appointed a committee to make arrangements for that gastronomic event; whereupon a recess was taken until the next evening, when the embryonic association would be perfected at the festive board. Thursday evening the lawyers again assembled, in accordance with the terms of the recess, at the Ash Hotel, when the committee on permanent organization reported recommending for permanent officers: J. W. Turner, for president; J. B. S. Todd, for vice president; and George H. Hand, for secretary. The report was adopted by a unanimous vote. The feast followed, and proved to

be such a delicious repast that a resolution of appreciation and thanks was tendered the Ash Hotel, for the superior excellence of the viands furnished. Next in order were the toasts wherein the bar took occasion to appropriate to itself all the credit for supplying mankind with all the elements of material and intellectual progress, regardless of cost, and frequently gratuitously. The judges were extolled for their erudition, and the bench was declared to be the strong tower of constitutional liberty; the great mass of the people were not overlooked, as they furnished the field from which the profession drew its clients; vox populi drew out a unanimous commendation of "hear, hear," the welfare of the masses was reflected in those glowing orbs of progress and civilization, the church, the common school, and the temple of justice, and while peace, good will and prosperity were invoked for all mankind, it was advised that whenever in doubt they should employ a lawyer! The speeches were not all facetious, nor were any entirely devoted to that entertaining style of oratory, but abounded in excellent sentiment and sound principle. Delegate Burleigh concluded the formal speech-making exercises with a most excellent address, complimenting the fraternity warmly. He spoke touchingly of his leave-taking on the following day, when he was to start for Washington, to resume his official duties. Five counties were represented at this first meeting and organization of the bar of Dakota Territory, and all but three of the practicing attorneys of the territory were present, namely, Hon. W. W. Brookings, of Yankton, and Capt. Nelson Miner and John L. Jolley, of Clay. George P. Waldron, Samuel A. Bentley, Charles H. McCarthy and Gov. A. J. Faulk were subsequently admitted to practice and became members of the association.

The second annual bar meeting of the members of the Dakota bar was held at the office of Secretary Spink, in Yankton, on Wednesday, December 11, 1867. John W. Turner, of Clay County, presided. A resolution was adopted at this meeting requesting the judges of the Supreme Court to change the time of holding the annual term. A committee was appointed, consisting of Messrs. Moody, Brackett and Stutsman, to draft rules of practice for the Supreme Court, the report to be submitted to the judges for their approval. Officers of the association for the ensuing year were elected, namely: President, William Tripp; vice president, Nelson Miner; secretary, John L. Jolley; treasurer, S. L. Spink. There were present Judges Ara Bartlett, chief justice; Jefferson P. Kidder, associate justice, Vermillion; William E. Gleason, associate justice, Bon Homme; Attorneys William Tripp, G. C. Moody, George N. Propper, S. L. Spink and George P. Waldron, of Yankton County; Nelson Miner and John L. Jolley, of Clay County; Enos Stutsman, of Pembina County; John W. Turner, of Clay County, and John Currier, of Sioux City. Absent were Messrs. W. W. Brookings, George H. Hand and E. H. Brackett, of Yankton, and George Stickney, of Union. A number of brief addresses were made, and the banquet at the International Hotel (formerly the Ash Hotel) closed the annual exercises. The list of names given is supposed to include all the practicing lawyers in the territory.

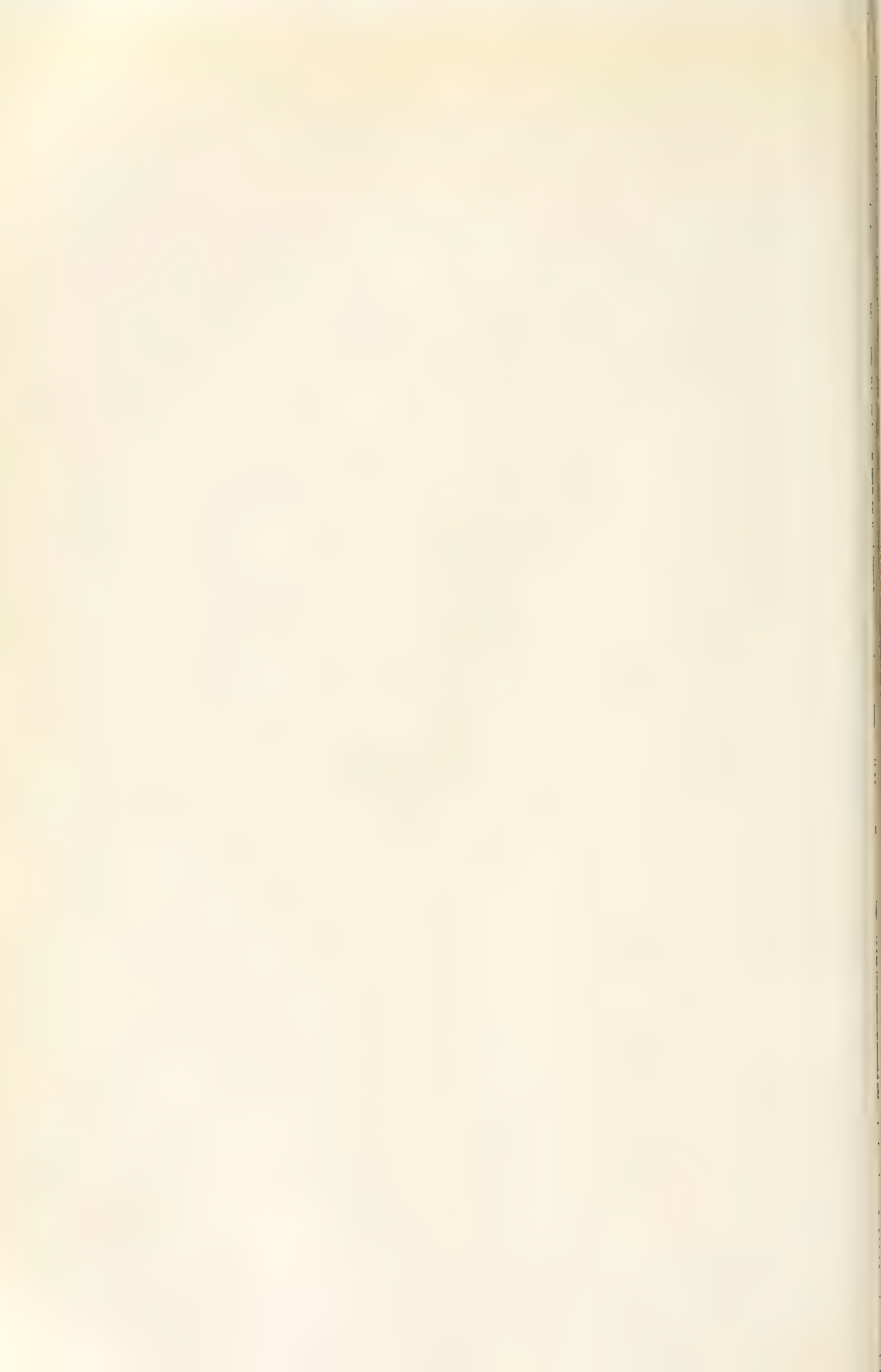
A. J. FAULK, GOVERNOR

Andrew J. Faulk, of Kittanning, Pennsylvania, the newly appointed governor of Dakota Territory, reached the capital of the territory on Monday, September 3d, 1866, and took possession of the executive department, relieving Governor Edmunds. Mr. Faulk had been engaged for a number of years in the publication of the *Armstrong County Democrat*, a republican newspaper, however, which he relinquished on coming to Dakota. He was not a stranger to the territory, having removed here in 1861, with his son-in-law, Dr. Burleigh, and held the position of clerk at the Yankton agency during that and the following year. He had brought his family to the territory at that time, intending to make his home here; but the Indian troubles grew so threatening in 1862 as to excite his fears for their safety, and he returned with them to Pennsylvania in the autumn of 1862.



ANDREW J. FAULK

Governor of Dakota Territory from September, 1866, to May, 1869



At the time this change was made, the eruption between President Johnson and Congress had occasioned a serious and permanent split in the republican party, which was sufficiently shown in the convention held in Philadelphia, where the proposed new governor appeared as a delegate. Governor Edmunds was supposed to favor the congressional side, while his successor was an open advocate of the Johnson policy, which had been so earnestly espoused by Delegate Burleigh.

A Thanksgiving proclamation was issued by the governor, October 31, 1866, as follows:

Agreeably to established usage in this territory and also in accordance with the proclamation of the President of the United States, I, Andrew J. Faulk, governor of Dakota Territory, do hereby recommend that Thursday, the 29th day of November next, be set apart to be observed by the people of said territory as a day of thanksgiving and praise for the many and peculiar blessings which the Great Ruler of Nations has bestowed upon us in the year that is past. As a territory we should in solemn assemblies call to remembrance that we have in a great measure been relieved from the horrors of savage warfare, and have been favored in an unusual degree with the blessings of health and abundant crops, while signs of prosperity and increase are visible everywhere within our borders. As a part of the United States we have reason to remember the many blessings enjoyed by us as a nation during the same period, to offer up devout thanks and praise for the same, and also to implore the "Almighty" to grant to our national councils and to our whole people that divine wisdom which alone can lead any nation into the ways of all good.

Given under my hand and the great seal of the Territory of Dakota, at Yankton, the 31st day of October, A. D. 1866.

Attest:

A. J. FAULK, Governor.

S. L. SPINK, Secretary.

CHAPTER XL

THE SIXTH SESSION OF THE LEGISLATURE

1866-67

SIXTH SESSION OF THE LEGISLATIVE ASSEMBLY—GENERAL TODD ELECTED SPEAKER—JOHNSON PARTY IN CONTROL—GOVERNOR FAULK'S FIRST MESSAGE—SUGGESTS EFFORTS TO INDUCE IMMIGRATION—GOVERNMENT WAGON ROADS—FORT JAMES ABANDONED AND RE-GARRISONED—LOCATION OF THE SANTEE INDIANS A MENACE—PUBLIC LANDS IN MARKET—PROGRESS OF RAILROADS TOWARDS DAKOTA—REPORT OF SUPERINTENDENT OF PUBLIC INSTRUCTION JAMES S. FOSTER—CONDITION OF THE COMMON SCHOOLS—PER CAPITA TAX COLLECTED—COUNTIES OF PEMBINA AND LARAMIE DEFINED—NEGRO SUFFRAGE BILL PASSED—CONGRESS PROHIBITS SPECIAL LEGISLATION—SEVEN MILITIA COMPANIES ORGANIZED AND ARMED—PREPARING FOR PRESIDENTIAL CAMPAIGN OF 1868—REPORT OF TERRITORIAL TREASURER—ENOS STUTSMAN, THE PIONEER AND LEADER—PREHISTORIC RUINS AT FORT THOMPSON—FIRST TEACHERS' INSTITUTE—THE BLACK HILLS—THE DAKOTA REPUBLICAN—ALASKA PURCHASED—CUTTING TIMBER ON GOVERNMENT LAND—AN UNPRODUCTIVE APPROPRIATION FOR A PENITENTIARY.

The sixth session of the Legislative Assembly of Dakota Territory convened at the capitol building at Yankton, on Monday, December 3, 1866. There had been a great political upheaval throughout the United States during the past year, brought about by the serious schism between President Johnson and Congress on the question of reconstruction, and while Congress was strongly sustained by a great majority of the northern states, Dakota had given a victory to the coalesced Johnson republicans and democrats, which was reflected in the democratic majority that composed this Legislature, or at least the lower house, as the Senate or Council had been chosen in 1865.

The newly organized republican party, headed by Mr. Brookings, nominated candidates in the various counties, but with the exception of M. U. Hoyt, of Yankton County, and four of the Clay County members—Messrs. Austin, Hodgins, Trumbo and Hanson—none of their nominees were chosen. As a matter of fact, the former national union organization that had supported Jayne in 1862 and elected Burleigh in 1864, had been taken over by the democratic party and the Johnson republicans, and afterwards became the democratic organization of the territory, brought about by the convention's selecting central committees composed largely of democrats.

The members of the House of Representatives were called to order by George I. Foster, chief clerk at the last session, who called the roll, when the following members answered to their names:

Union County, I. T. Gore, Eli B. Wixson, Michael Curry, William Gray, Vincent LaBelle, N. C. Stevens and George W. Kellogg; Clay County, H. J. Austin, Daniel Hodgins, John Trumbo, Amon Hanson and Hans Gunderson; Yankton County, H. C. Ash, W. N. Collamer, M. U. Hoyt, D. T. Bramble and Thomas Frick; Bon Homme County, Hugh S. Fraley and R. M. Johnson; Charles Mix County, William Stevens and Kerwin Wilson; Todd County, J. B. S. Todd and Charles H. McCarthy.

Judge Jefferson P. Kidder then administered the usual oath to the members; a prayer was offered by the Rev. C. W. Batchelder, pastor of the Methodist Episcopal Church, and the House then organized by the election of the following officers: J. B. S. Todd, speaker; Franklin Wixson, Yankton, chief clerk; Daniel Mowery, assistant clerk; John Stanage, Yankton County, sergeant-at-arms; Christian Lewison, Union County, messenger; George Rounds, Bon Homme County, fireman, and Rev. C. W. Batchelder, Yankton, chaplain.

General Todd, the speaker-elect, upon taking the chair, spoke as follows:

Gentlemen of the House of Representatives:—I return you my thanks for the honor you have done me in calling me to preside over the deliberations of this branch of the Legislature during its present session. Honors of this character are always gratifying, but when conferred by the unanimous voice of my colleagues, representing the various interests of our territory, I am more deeply impressed with the high and flattering compliment. In accepting the position of presiding officer of this house, I shall endeavor to discharge its duties with zeal, fidelity, kindness and impartiality. In a spirit of harmony, which I trust will animate each of us, I ask your forbearance and aid, which I feel so sensibly I shall require. I again return you my profound acknowledgments.

The customary special committees to draft rules, to notify the Council of the House organization, to notify the governor, were then appointed, and the House then, by request of the Council committee, fixed the hour of 2 o'clock P. M. the following day as the time for meeting in joint convention to receive the governor's message. The House then adjourned until that hour.

The members of the Council, having been elected in 1865 for two years, the body was mainly made up of the members of the previous session. Three seats had changed incumbents. Enos Stutsman had resigned from Yankton County, and A. G. Fuller had been elected his successor; George Stickney, of Union County, had resigned, and Charles LaBreche had been elected to fill the vacancy; and J. Shaw Gregory had resigned from Todd County, and Jonathan A. Lewis had been elected in his stead.

The roll of members was called by Hon. S. L. Spink, secretary, and the following councilmen responded:

First District (Union and Lincoln counties), Charles LaBreche, O. F. Stevens and D. M. Mills; Second District (Clay and Minnehaha), John W. Turner, Canute Weeks and N. V. Ross; Third District (Yankton and Jayne), M. K. Armstrong, A. G. Fuller, A. VanOsdel and George W. Kingsbury; Fourth District (Bon Homme and Hutchinson), Austin Cole; Fifth District (Charles Mix and Buffalo), John J. Thompson; Sixth District (Todd and Gregory), Jonathan A. Lewis.

Chief Justice Ara Bartlett administered the customary oath to the new members.

Councilman Ross was then elected temporary president, and Councilman Kingsbury temporary secretary, whereupon the Council permanently organized by electing the following officers: M. K. Armstrong, president; Byron M. Smith, Yankton, secretary; Henry Brooks, Bon Homme, assistant secretary; George W. Smith, Yankton, sergeant-at-arms; Patrick Brown, Union, fireman; Michael McGue, Charles Mix, messenger; Rev. Melancthon Hoyt, chaplain.

The president-elect, on taking his chair, spoke as follows:

Gentlemen of the Council:—It is proper that I should express to you my thanks for so unanimously appointing me to preside over the deliberations of this branch of the legislative assembly. I accept it, gentlemen, as an honor unsought and uncoveted on my own part, fully realizing the many difficulties and embarrassments that will beset me in the discharge of the delicate and responsible duties of the office. Relying upon your hearty cooperation and unprejudiced judgment, and hoping that our deliberations may be conducted with harm and fairness in all matters, local and political, for the public good, I am now ready to proceed with you to the transaction of the business of the council.

Mr. L. W. Case was then elected enrolling and engrossing clerk of the Council.

Committees were appointed on rules, to notify the House and governor of the organization, and asking the House to name a time for the joint convention, whereupon the Council adjourned to 2 o'clock P. M. the following day.

The second day of the legislative session was devoted to the appointment of standing committees in both houses, and the joint convention which was held in the hall of the House at 2 o'clock in the afternoon, when Governor Faulk delivered his first message to the Legislature, in person, as follows:

GOVERNOR'S MESSAGE

Gentlemen of the Council and House of Representatives:—The duty of delivering my first annual message is devolved upon me at an auspicious period. After nearly four years of war I am able to announce an apparent and, I trust, more than temporary cessation of hostilities with the Indians of our northern frontier. After a war which has sadly retarded the prosperity of Dakota, and caused a heavy expenditure of public money, the hostile bands have been humbled, commissioners appointed by the Government have met them in council, and treaties of peace have been effected. But time alone can prove the efficacy of these treaties in the reestablishment of friendly relations. I confess I have not a great amount of confidence in these restless, ignorant and treacherous bands, whose cruelty and perfidy we have already experienced, and who have kept our territory in a state of continual alarm for so long a period. It is our duty to offer up thanks to Almighty God for the return of peace, for general health, and for the abundant crops which have rewarded the toils of the husbandman. If this favorable state of things should continue for a reasonable period, we may confidently look forward to a state of prosperity unexampled in our history.

IMMIGRATION.—It would be well if you could find time to mature and put into practical operation some such measures as, in your wisdom, may be best calculated to encourage and promote the rapid settlement of our territory. We claim to have inducements to immigration within our own borders not inferior to those of any other territory. We believe that Providence has lavished upon us natural advantages, which, if carefully improved by us, would in a short period lay the foundations of a great and flourishing commonwealth. Let us cooperate in this noble enterprise, and at an early day another star will be added to that galaxy which is now the wonder and admiration of foreign nations, and the hope of the oppressed throughout the whole earth. Too much cannot be said in favor of the salubrity of our climate or the fertility of our soil. With the great Missouri River and its ever increasing trade; with numberless streams flowing through wild but nutritious grasses; with the wonderful water power of the Big Sioux, it cannot be long until these natural advantages must attract the attention of capitalists, or until our territory is dotted over with farms groaning with their abundant crops—a garden of fruitfulness, and the abode of a large and growing population. The improvements in farming machinery which almost dispense with human aid could nowhere be more advantageously applied than here. Here, labor, capital and skill may safely be invested with a fair promise of ample remuneration. And the Black Hills, with their inexhaustible forests of pine timber, and their shining auriferous deposits, will yet attract thousands of adventurers and emigrants to cast their lot among us; thus eventually building up towns and cities where now the wild natives of the forest alone disturb the deep solitude of nature as they seek their precarious food. It would extend this message beyond a reasonable length were I to dwell more minutely on the various resources of the territory. If deemed of sufficient importance, this might possibly, with more propriety, come from some committee of the Council or House of Representatives. I would suggest, however, that strong efforts be made to secure ample military protection to emigrants who may wish to locate around the Black Hills. The Government is already committed to the construction of the Big Sioux and Fort Randall wagon road, the Sioux City and Big Cheyenne wagon road, which must necessarily be protected. And the only way to do it effectually, judging by past experience, is by establishing military posts along the route of this road; at least that portion of it now occupied by certain nomadic bands of Indians, who, it is well known, will dispute our right to occupy any portion of the country in the vicinity of the Black Hills. It is true the effort made by the Legislature of Dakota last year was not successful, not having met the approbation of General Sherman, who was then in command of this military district as will be seen by reference to his official correspondence dated St. Louis, January 13, 1866, a copy of which is on file in the executive office. His opposition was founded chiefly on grounds which do not operate now. One reason was that Congress had not determined and fixed the military establishment, and therefore he could not know what specific troops he was to have under his command. This objection being now removed out of the way, would it not be well to repeat the memorial, the probabilities of success being much increased since that time? Notwithstanding the general's refusal, he ventures the opinion in the same correspondence that the military arm of the Government "should encourage actual, bona fide, settlements westward as far as the land will yield corn and grasses." Now this is all we ask. The explorations of Lieut. G. K. Warren, Prof. F. V. Hayden and many others have already established the proof beyond cavil that the valleys adjacent to the Black Hills are admirably adapted, in soil and climate, to agricultural pursuits; that grass of luxuriant growth is found in abundance and of a good quality; while pine and other timber suitable for building materials, for lumber

and fuel, together with stone and lime, abound without limit. If this be true, it meets the condition on which the military are willing to encourage the actual settlement and cultivation of the Government lands in the West, and the military establishment having been fixed by the last Congress, it would seem that no further obstruction is now in the way and that we have only to renew our efforts to obtain the object so much desired.

GOVERNMENT WAGON ROADS.—I am gratified to be able to inform you that the Government road known as the Sioux City and Big Cheyenne wagon road, under the management of the present economical and energetic superintendent, will soon be completed as far as Fort Randall, beyond which an additional appropriation will be necessary if the original project should be carried out. The chief outlay heretofore has been in bridging the Big Sioux, Vermillion and James rivers, which work is making encouraging progress. The superintendent informs me that the bridge over the Big Sioux will be completed before the close of December, that over the Vermillion in January and that over the James in the early part of the ensuing spring. That portion between Yankton and Sioux City is already completed so far as laying out, grading and bridging are concerned, with the exceptions I have named. The proper termination of this road is Virginia City, Montana, and all the information I have thus far obtained goes to show that the country through which it is to be located is highly favorable for its construction. When this road is once completed—having by this means shortened the distance to the gold mines of Montana and Idaho some 600 miles over the present most available route, viz., by way of Omaha, Fort Laramie and Salt Lake City, we may have every reason to expect that a rapid increase of travel through the settled portions of our territory will be the result. This improvement will, in my opinion have the effect of enlarging the avenues of trade and encouraging the settlement of a country rich in natural resources, which only needs to be properly known and protected from Indian depredations, to draw to that portion of the territory actual settlers, and induce the rapid investment of capital and labor among us. The act of Congress providing for the opening of this road also contemplates the opening of two other roads, but I apprehend of secondary importance to us as a territory. The one known as the Niobrara road commences at Niobrara, Nebraska Territory, thence up the valley of the Niobrara River and through the southern portion of this territory to Virginia City. Whether the almost interminable sands and other obstacles to be encountered on this route will not render this enterprise impracticable must be left to future explorations and developments to determine. The opinion of Doctor Hayden, an eminent and learned traveler, who has made repeated scientific researches of this territory, has been very emphatically given to the people of this territory against the practicability of this route.

The third route commences at the Minnesota state line, and is designed to intersect the Niobrara road at or near Fort Connor on the Powder River. The location of this road is represented as highly favorable, and it is believed it can be completed at a comparatively small cost. As to what condition the last two roads are now in, or how much it will require to complete them, I am not able to inform you. It is to be hoped, however, that you will not lose sight of the importance of this subject upon the future interests of the territory. That we may reasonably expect great benefits from the opening of these thoroughfares through our territory is manifest, and we cannot be too importunate in pressing the necessity of ample appropriations for their early completion.

ARMS AND AMMUNITION.—Having been informed that we are entitled to 2,000 stand of arms with the necessary fixed ammunition, from the general Government, it becomes a matter of importance that you should at once provide a suitable building for their reception and safe keeping. The arms already belonging to this territory should be collected and deposited in the same place so that in case of emergency arising from hostility with the Indians we would have at hand more effectual means of defense than appears to exist at the present time. If this suggestion does not seem practicable, in your opinion, then it would be well to consider whether you should not, as the next best remedy, encourage, in the several organized counties, military organizations, with a view to deposit these arms with them for safe keeping. Funds must be provided, if you decide upon erecting or purchasing a building as above suggested, and also to pay the immediate cost and charges of transportation.

FORT JAMES DISCONTINUED.—For some time past the people of the southern or settled portions of Dakota have enjoyed the protection of a small military post known as Fort James, located near Firesteel Creek on the James River. This, together with a similar post at Sioux Falls known as Fort Dakota, has done much, it is believed, to create a feeling of security among the white people of the territory, and has given increased encouragement to immigration from the states. Recently, however, and at total variance, as I apprehend, with the peace, security and best interests of these infant settlements, an order has been issued removing the soldiers from Fort James to Fort Randall, a point remote from the ordinary route of hostile Indians, and west of the Missouri River. I cannot help viewing the decision of the military authorities in this instance as a grave mistake and only calculated to impair confidence in the efficiency of the protection which we have the right to expect. It is well known that raids from hostile Indians have heretofore, almost invariably, been made by the valleys of the James and Big Sioux rivers and that since the chain of posts, recently existing (but by this latter arrangement now partially destroyed), was established, those raids have not been repeated. It is believed that the protection thus afforded not only

allayed the fears of the people, but had the effect to overawe the hostile and thieving bands of Sioux Indians from the Upper Missouri, and incline them to embrace the recent opportunity afforded, by the presence of the peace commissioners, to secure favorable terms of peace from the Government. It is a fact also well understood by our citizens that Fort Randall, located as it is on the west bank of the Missouri River, is not in a position to afford the speediest and best possible protection to either the friendly Indians or the white settlers of the territory. Hostile parties from the north can invade the valley of the James, rob and murder, and again escape with perfect impunity before relief could be obtained from this source, owing to the distance of its location and the known difficulty of transferring cavalry across the river. But if a small force were retained at Fort James this protection would obviously be afforded and security would be vouchsafed to those hardy and enterprising pioneers who have established their homesteads among us. It would be well for you to consider this subject and take such steps as appear to you necessary to lay it fully before the general in command of the northwestern department.

OBJECT TO THE LOCATION OF THE SANTEES.—The present location of the Santees, or Mississippi Sioux, on our immediate border is also a subject which calls loudly for an energetic remonstrance on the part of the representatives of the people of Dakota. Placed as this reservation now is in immediate proximity to a portion of our most promising settlements, it can not fail to exercise a most damaging influence upon our future prospects by discouraging the enterprise of present inhabitants, by turning from us the tide of emigration which has recently been setting in this direction, and by causing the people to look elsewhere for homes where safety to person and property can be depended upon. It is believed that their removal from their recent reservation at Crow Creek was without the authority of law, on the principle that a power of this sort, once exercised, under the law conferring it, is exhausted and gone forever. Be this as it may, the act of Congress expressly limits the location to the "unoccupied lands outside the limits of any state." That the land recently set apart for them was and is yet occupied by white settlers, and that a large sum of money will be required to extinguish these titles is well known. Thus we see that in removing these Indians from Crow Creek, and from their prison at Davenport, and placing them upon the occupied lands in contact with our white settlements, an utter disregard of the law and the welfare of this community has been evinced, and we are compelled to anticipate a possible recurrence in Dakota of the horrors enacted by these savages in Minnesota in 1862. It is not too much to ask that the law under which the interior department has derived its authority, shall be strictly and fairly complied with, and that these Indians be placed upon the "unoccupied lands," away from our white settlements, plenty of which lands, as good as the law contemplates, can be found north of Fort Randall and the Yankton Sioux Reservation. This subject has been clearly and ably presented to the President, and also to Congress, by our delegate, and I have confidence that by proper cooperation on your part suitable action may be expected from the Government, and the evils to be dreaded under the present state of things may be averted before it is too late.

The Yankton and Ponca Indians continue to be the faithful friends of the Government, keeping their treaty stipulations unbroken and deserving at our hands kind consideration and encouragement. Owing to the favorable condition of their crops and the presence of faithful and acceptable agents their present condition is believed to be highly encouraging, affording grounds for the hope that they will in the future make rapid advancement at least in the more useful arts of civilization.

PUBLIC LANDS IN MARKET.—The subject of throwing the lands of this territory into market at this time might be worth your serious consideration. If once in the market, experience teaches us that much of the most desirable land would be absorbed by speculators and non-residents, who uniformly advance the nominal value for sordid purposes, or keep it for years from settlement or sale at any price. This result would operate oppressively upon the poor but worthy emigrant who might desire to make a permanent settlement among us and would have a pernicious effect upon the future growth and prosperity of the territory. Our interest lies in the opposite direction. We should encourage, by all the influence within our reach, the homestead and preemption laws, matured by the wisdom and patriotism of Congress. We should oppose the sale of these lands on any other terms than their permanent settlement and cultivation, and to this end should instruct our delegate in Congress, whose influence, I trust, would not be disregarded when brought to bear on so worthy and beneficent a measure as this. We should thus, in imitation of the policy evinced by the framers of the law, protect the actual settler, who may be willing under the humane laws above named to rear his humble cabin, cultivate the soil, and contribute to the strength, support and protection of the territory.

PROGRESS OF RAILROAD CONSTRUCTION IN DAKOTA.—It might be in place to mention that during the past summer and fall important progress has been made in the extension of railroads in this direction. The Chicago and Northwestern Road has already reached the Town of Dennison in Iowa and soon will be extended to Council Bluffs, where it will connect with and form part of the Great Pacific Railroad. A branch of this road is now projected to extend from St. John's to Sioux City, on our southeastern border, the nearest western point, which I am informed will be immediately put under contract and rapidly prosecuted to completion. It is estimated that this road will be in running order inside of twelve months, thus bringing these improvements within about sixty-five miles of

Yankton. We may expect vast and important benefits to accrue to this territory in various ways, by the completion of these roads, especially by the reduction of the time and expense of delivering and forwarding freights, and by increasing the facilities for travel and communication with other parts of the United States. And we may have hopes that at no very distant day the increase of population and business within our borders will justify the extension of this road to our capital, if no farther. Other roads are in contemplation, directly calculated to benefit us when completed, and in the success of which we cannot fail to take a lively interest.

THE NORTHERN PACIFIC RAILROAD.—The Northern Pacific Railroad is to be located through the northern part of this territory, opening up by that route a railroad communication with the Pacific States and the gold mining regions of Montana and Idaho. Another route is projected from a point in Minnesota to Yankton by way of Sioux Falls; also one from St. Paul to Sioux City. But owing to the very limited information in my possession regarding these improvements I can furnish no satisfactory statement of their present condition or prospects. I can only say that they may be considered as favorable indications for the future of Dakota and that whatever encouragement can be given here by private or official influence, or through the action of our representative at Washington, should be rendered promptly and without hesitation, so that nothing on our part may be wanting to the complete accomplishment of enterprises bearing so directly upon the future welfare and destiny of this territory.

Agreeably to the duty enjoined upon me by law, I have made the suggestions which have occurred to me as claiming your immediate attention. Subjects of importance have doubtless been omitted, which may readily occur to your own minds and which I may before your adjournment attempt to supply.

Yankton, D. T., December, 1866.

A. J. FAULK.

TERRITORIAL TREASURER'S OFFICE

The territorial treasurer, I. T. Gore, who was a member of the Legislature, made a verbal report of the condition of the territorial treasury, which was ordered to be reduced to writing.

Representative Ash, of Yankton, presented a resolution which provided for a joint committee of six from the House and three from the Council, to investigate the revenue law and the transactions under that law in the County of Yankton. The resolution was passed, and Messrs. Ash, Collamer and Hoyt, of Yankton; Kellogg, of Union; Austin, of Clay, and McCarthy, of Todd, appointed on the part of the House, and Messrs. Fuller and VanOsdel, Yankton, and Stevens of Charles Mix, on the part of the Council. The committee was given power to send for persons and papers. The purpose of this investigation was to ascertain whether any dishonest or illegal practices had been engaged in by the revenue officers of Yankton County in connection with the assessment and collection of taxes of 1865—the first year when any effort was made to collect revenue. The committee did considerable investigating, but found nothing to support the allegation of official dishonesty, but discovered that the methods pursued by the county officials had not been strictly in accordance with law. The outcome of the investigation was the passing of a law authorizing the county commissioners to readjust the tax for 1865. In view of the general commendation and support which had been of recent years given to those who had endeavored to expose fraud and purify the public service of corruption and "graft," this action of the pioneer law-makers of Dakota is mentioned as an instance of the earliest awakening of the official conscience to the importance of probing into the official conduct of public servants charged with fiduciary responsibilities. Dakota, it may be claimed, sounded the earliest alarm.

The efforts put forth by Governor Faulk and the Legislative Assembly secured the regarrisoning of Fort James, referred to in the governor's message, by two companies of infantry. The fort had been abandoned by order of General Sherman, leaving the James River Valley without military protection, and as this valley was the favorite trail of hostile Indian bands from the north and west, they were able to enter the settlements, commit depredations and escape before the Fort Randall authorities could be apprised of the incursion. Fort James, properly garrisoned, was looked upon as the most important strategic point in the southern portion of the territory, the only portion then occupied by white set-

tlers. Notwithstanding its presumed importance, it was abandoned again within a little more than a year, and was totally destroyed by fire on the 20th of October, 1868. The origin of the fire was probably due to the burning of the surrounding prairies, though reports of a different character were at the time freely circulated. There did not seem to be any motive that would induce a white man to destroy the structure, and if it was the work of incendiaries, it is probable that a band of Indians, bent on depredations, believing that if it was left standing it would again be garrisoned by soldiers, an event they very much dreaded, reduced it to an ash heap. It was not rebuilt, and the valley settlers were never more disturbed.

THE COMMON SCHOOLS

The third annual report of the territorial superintendent of public instruction for 1866 furnishes much information regarding the early growth of Dakota's common school system and the condition of educational matters in the territory, and is here given in the belief that it will prove interesting and possibly valuable to the readers of this volume, particularly those engaged in educational work:

Office Board of Education,
Yankton, D. T., December 10, 1866.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

Agreeable to your resolution of December 5, I have the honor to submit the third annual report of the superintendent of public instruction for the Territory of Dakota.

The past year has been one of unexampled prosperity to the territory; unexampled not only in the number of thriving industrious settlers who have come to dwell among us, but in the extent of valuable and permanent improvements. These improvements are to be seen not only in the thriving towns springing up on our thoroughfares, with increasing facilities for manufacture and trade, but in the substantial agricultural improvements that dot our beautiful prairies with happy cottage homes, generally surrounded with extensive and well cultivated fields, which, by the blessing of Providence, have this year yielded a bountiful harvest. So rapid has been the influx of immigration the past season that in some sections where there was not a single house in April of this year there are now flourishing settlements with valuable and permanent improvements, with school districts organized, suitable schoolhouses erected, and furnished with all the necessary fixtures for a good common school. We are admonished by our rapidly increasing population, by a lively and growing interest in the subject of schools, and by the earnest appeals of citizens from all sections of the territory for a school district organization, that the time will soon come when the benefits of our public schools will be extended to every neighborhood in this territory.

Within the past year the number of organized school districts in the territory has more than quadrupled, and the number of children of school age has increased in nearly the same proportion. In most of the districts schools have been maintained for a portion of the past year ranging from three to nine months. The schools have mostly been taught by competent instructors, and in some instances paid by moneys received from the county treasurers, the proceeds of the per capita tax, and in other districts by money raised by tax on real estate and personal property in the school districts, and by subscription. It is to be presumed that few if any of the districts are so perfectly organized as to reap the full benefit of our generally acceptable school law. It will require some little time for the machinery of the law to get into operation so that the full amount of money to which the public schools are by law entitled will be faithfully collected and judiciously expended. The following table exhibits the amount of money raised for school purposes, the sources from which it came, and the manner in which it was expended, together with such other information as could be gleaned from the meagre reports of county superintendents:

Bon Homme County has 1 teacher, 25 scholars, and has paid \$36 for teaching during the year.

Clay County has 5 organized districts, 5 teachers, 200 scholars; has expended \$200 on school buildings, and \$380 to pay teachers.

No reports from Todd, Charles Mix, Buffalo, or Gregory counties.

Union County has 10 organized districts, 5 teachers, 336 scholars; has paid \$606.19 for teaching, and has \$1,000 worth of school property.

Yankton County has 2 districts, 3 teachers, 198 scholars; has paid \$495 to teachers, \$25 for maps and charts, and owns school property worth \$1,700.

It is an admitted fact that in order to become a skillful practitioner in any profession, constant study and practice is required, as well as a mutual interchange of ideas. To this end lawyers, physicians and clergymen have their societies, calculated to aid its members in the practice of their profession. The same is true of farmers and all classes of mechanics. Of all occupations, that of teaching requires a mutual interchange of ideas in order to develop the faculties. To become a successful teacher requires not only a good perceptive

faculty and ability to comprehend an idea, but it requires an aptness to teach and to impart to others in a pleasing and interesting manner whatever idea we may wish to convey. This is sometimes a natural gift, but most generally it is an acquired faculty and in no way can be more easily acquired than by attendance on teachers' institutes. Previous to the year 1825 no normal schools or teachers' institutes were organized, but so popular have these institutions become of late that every state boasts of at least one, and some have four, normal schools. In addition to these state institutes, most states establish by law county institutes for the drill of their own teachers, and all teachers of the county are required to be present at these training schools. These county institutes hold sessions varying from two to six weeks. The usual school hours are spent in thoroughly reviewing the studies usually taught in common schools and in the discussion of subjects pertaining to school government, and the evenings are occupied by lectures from competent persons whose addresses are not only pleasing but highly instructive. If we expect to keep pace with the progressive methods of instruction of the present age, our teachers must continually study. Teachers' institutes can be conducted by the county superintendents and the superintendent of public instruction without any extra expense, and would be of incalculable value to our teachers. In order that our teachers may be furnished with a school of training easily accessible and within the reach of every teacher in the territory, I would recommend that the school law be so amended as to require of the superintendent of public instruction, with the assistance of county superintendents, to hold annually, at the county seats of Union, Clay and Yankton counties, alternately, a teachers' institute, to commence on the first Monday of November, and to continue for two weeks, which institute or training school shall be free to all teachers of the territory, and all persons preparing for teachers.

In most counties the per capita tax has been collected, and will be distributed to the several districts in April next. A considerable sum would accrue to the school fund in each county from fines and forfeitures, and other sources, if they were collected. I would recommend that county superintendents be made the guardians of school funds in their respective counties, and that they be authorized to call to their counsel and assistance the county attorney, if they shall deem it necessary, in the collection of such fines and forfeitures as may be due to the school fund. It was the intention of the board of education and superintendent of public instruction to hold a convocation of schools in each county at the county seat thereof, early last spring, but circumstances over which the school officers had no control, prevented. I would here renew the suggestion to hold in each county, in the early part of the summer, a convocation of all the schools in said county. If county superintendents will act in conjunction with the territorial superintendent in this matter, I doubt not that much good can be accomplished.

There is now no way of appeal from the decision of the district board except to a legal tribunal. I would suggest the propriety of providing a law of appeal, so that when a person feels himself aggrieved by the action of the district board, an appeal may be taken within a specified time to the county superintendent, and from his decision to that of the proper officer.

It is unfortunate for the educational interests of the territory that the larger schools cannot be supplied with permanent teachers. Transient teachers have not half the incentive to study and improve that permanent teachers have. The standard of qualification for teachers is low enough at best, and every facility should be extended to teachers that will aid them in acquiring a more perfect knowledge of the art of teaching. I would suggest to teachers to subscribe for and peruse carefully some educational journal. Teachers should be exemplary in life; always kind and courteous to pupils as well as to "children of a larger growth." It is a responsible position to occupy, that of a teacher of youth, and he who esteems it lightly, or has no love for the work, is not worthy of the name of teacher.

It is with pleasure that we witness an increasing interest in the subject of schools. We are called upon by every interest dear to us to support good and sufficient schools for the education of our children, in every district. It is far cheaper and better to maintain a good school in our own district than to send our children to a distant school to be educated by strangers. Let us remember that every dollar invested in schools pays a better interest than a dollar invested in any other way except for bread, and that it is as much the duty of every parent to look after the education of their children, intellectually, morally and physically, as it is to provide them with food to eat or clothes to wear. Governor Berkeley, of Virginia, once said: "I thank God there are no free schools or printing offices in Virginia, and I hope we shall not have these hundred years." I rejoice that we hear no such sentiments uttered now. I prefer that other sentiment spoken by a later governor of the Old Dominion: "Give your children a good common school education, and the faithful instructions of the Sabbath school, and if after that you are compelled to send them out into the world to shift for themselves you need not have any fears concerning them." A good common school education is the motive power, and well-developed moral faculties the compass, that will guide their possessors to honorable stations in society, which many a wealthy but uneducated man might well covet.

All of which is respectfully submitted.

JAMES S. FOSTER,
Superintendent of Public Instruction.

Councilman Fuller presented a bill to incorporate the City of Yankton. It passed the Council, but was defeated in the House. An act was passed authorizing the assessment and collection of a tax for the purpose of completing the schoolhouse in District No. 1, Yankton. This was the first Yankton schoolhouse located on what has since been taken as the site for the postoffice, and had been built by private subscription, but needed a number of improvements, and had been taken over by School District No. 1. Laws were also passed defining the boundaries and authorizing the organization of the County of Pembina, on Red River; and also the County of Laramie (now the State of Wyoming), which in 1866 and later was a part of Dakota.

A bill to provide for the organization of county agricultural societies became a law; also an act to incorporate the Dakota & Northwestern Railroad Company, and the Minnesota & Missouri River Railroad Company. A township government law for Union County alone was enacted; and a law for the removal of county seats by vote of the people. General Todd, speaker of the House and founder of Yankton, introduced a bill to remove the capital from Yankton to Vermillion, and succeeded in getting it through the House on the thirty-seventh day. When it appeared in the Council it was discovered that it had no enacting clause, and the committee to whom it was referred reported that the author of the measure was actuated by other motives than a desire to secure its passage, which report was sustained by the unanimous vote of the Council, save one of the Vermillion members, Mr. Weeks. The bill was rejected. There were more memorials to Congress and other authorities passed than at any previous sessions. They covered the whole ground of territorial roads, including a capitol building, the geological survey, the opening of the Black Hills, the construction of wagon roads and bridges, the new mail routes and increase of mail facilities on routes already established, the regarrisoning of Fort James near Rockport, and praying for military protection from the Indians who were hostile in many quarters and who had recently committed an atrocious massacre at Fort Fetterman. A number of amendments were made to existing laws, but there was less general legislation than had been expected, and this was ascribed to the fact that a large percentage of the House were new members, new to the business, inclined to be suspicious of new laws and very cautious about voting affirmatively. The act to incorporate Yankton City, and the justices' code, prepared with great care, were both defeated in the House, after passing the Council, because a majority of the members were apprehensive that the bills carried provisions of an obnoxious character that would blast their political aspirations, should they favor them.

The Legislature adjourned without day on Friday, January 12, 1867.

AMENDING THE ORGANIC ACT

The organic acts of the several territories including Dakota, 1866-67, prohibiting the territories from denying the elective franchise to any person on account of race or color. It was known as the "negro suffrage bill," and is here given:

An Act to Regulate the Elective Franchise in the Territories of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That from and after the passage of this act there shall be no denial of the elective franchise in any of the territories of the United States, now, or hereafter to be organized, to any citizen thereof, on account of race, color, or previous condition of servitude; and all acts or parts of acts, either of Congress or the legislative assemblies of said territories, inconsistent with the provisions of this act, are hereby declared null and void.

SCHUYLER COLFAX,

Speaker of the House of Representatives.

LAFAYETTE FOSTER,

President of the Senate pro tempore.

The foregoing act was not approved by President Johnson, but was retained by him until after the ten days allowed by the Constitution had expired, and so became a law without his approval, January 24, 1867.

To prohibit the pernicious legislation which had characterized the enactments of some of the territorial Legislatures, Congress, in 1866, amended the organic law of all the territories, prohibiting the enactment of special laws conferring corporate powers, but authorized the enactment of a general law for that purpose. It also prohibited the Legislatures from granting divorces, leaving that authority with the courts of the territories. The Legislature of Dakota had granted a large number of special charters, and had also dissolved matrimonial ties in a very few instances during the two sessions succeeding the organization of the territory. During Governor Edmunds' term he had uniformly vetoed all divorce bills.

In January, 1867, Congress passed an act setting aside the net proceeds of internal revenue in the Territory of Dakota for the years 1866, 1867 and 1868 to an amount not exceeding forty thousand dollars for the purpose of erecting a penitentiary in the territory at such place as the Legislative Assembly might designate. The Legislative Assembly had already located the penitentiary at Bon Homme. Four years later Governor Burbank referred to this in his message to the Legislature, and stated that the treasury department had reported to him that the net proceeds appropriated had proved of no value, the expense of collecting the revenue in Dakota having exceeded the collections.

WAR MATERIAL

About ninety boxes of military goods, arms and ammunition sent by the Federal Government for mounted troops, including small arms, were received at the territorial capital in May, 1867, for the use of the Dakota militia. They were a part of the cargo of the steamboat Antelope (this boat was owned by Payo), and were delivered to Adj. Gen. James L. Kelley. In April previous, anticipating the arrival of these guns, acting Governor Spink had issued the following proclamation authorizing the organization of militia cavalry companies in order to make a general distribution of the equipments when they should be received, and also that the settlers might have wherewith to defend their homes in case of Indian invasion which was a matter of current expectation:

TO THE CITIZENS OF DAKOTA TERRITORY

You have already been informed that 1,000 breech loading carbines, 100,000 rounds of ammunition, and 400 cavalry equipments, forwarded from Washington, will soon arrive in the territory. I do not wish to cause any unnecessary alarm, and there is probably very little danger of an Indian invasion, but it is the part of wise men to be prepared for any emergency. You are earnestly requested to meet in your respective counties at an early day and organize cavalry companies under the militia law of 1862. These companies will elect their officers, who will be commissioned by the governor and receive their arms and equipments. It is hoped at least one company will be formed in Yankton, one in Clay, and one in Union County. This is the only way that the citizens can get possession of these arms.

S. L. SPINK,
Secretary and Acting Governor.

Under this proclamation, seven cavalry companies were organized and the officers commissioned, to-wit: Bon Homme County, W. A. Burleigh, captain; Nathan McDaniels, first lieutenant; Geo. W. Owens, second lieutenant. Clay County, Company B, Nelson Miner, captain; Franklin Denison, first lieutenant; John L. Jolley, second lieutenant. Yankton County, Company C, G. A. McLeod, captain; A. M. English, first lieutenant; Charles B. Wing, second lieutenant. Company D, C. W. Batchelder, captain; H. H. Smith, first lieutenant; L. H. Brunet, second lieutenant. Todd County, Company E, J. A. Lewis, captain; Fred W. Edgar, first lieutenant; John C. Collins, second lieutenant. Yankton County, Company F, W. W. Benedict, captain; Columbus G. Irish, first lieutenant; William Leaning, second lieutenant. Union County, Company G, Harvey Fairchild, captain; N. J. Wallace, first lieutenant; C. M. Brooks,

second lieutenant. At the same time the governor commissioned James L. Kelley as adjutant general; David M. Mills, of Union County, quartermaster general; John L. Jolley, of Clay, paymaster general, and John Lawrence, of Yankton aide-de-camp to commander-in-chief, with the rank of colonel.

DISSOLUTION OF PARTNERSHIP BETWEEN DEMOCRATS AND REPUBLICANS

In the political field the sentiment in favor of supporting the Congressional plan of reconstruction had been strengthened in the territory. No delegate to Congress was elected in 1867 but a new legislative body throughout and county officers were chosen, which made the election of much greater local importance than a territorial election. The Yankton County conventions indicate that the partnership between republicans and democrats had terminated and the voters had generally returned to their former party organizations, and this was also the situation throughout the territory.

The democrats of Yankton County met at the schoolhouse September 28th, and elected Austin Cole, chairman and Duane B. Cooley, secretary. This was called a "citizens' convention," and all citizens, regardless of party preferences were invited to participate. Messrs. D. T. Bramble, Franklin Wixson, A. G. Fuller and Washington Reed were nominated for the Legislative Council and C. G. Irish, L. W. Case, Henry Arend, W. N. Collamer and Louis Volin, for the House.

For county commissioners, William Miner, Richard Haggin and James V. Bunker; judge of probate, A. M. English; coroner, Richard Dawson; justices, Thomas Frick, George Pike; constables, Augustus High, Ferdinand Frick. The convention did not adopt a platform.

The republican county committee composed of M. U. Hoyt, chairman, Jacob Brauch and Wm. Neuman called a convention to be held September 21, inviting all who supported the republican plan of reconstruction to participate. G. C. Moody was chairman of this convention and James S. Foster, secretary. On assembling, Mr. Rossteuscher presented a resolution, of which the following is a copy:

Resolved, That we believe the time has now arrived in this county, when all men professing republican principles should act together, and we hereby announce it as our sincere purpose to cultivate friendly feelings among all who are disposed to act heartily with us in fostering the principles which we sustain."

The resolution was adopted.

A Committee on Resolutions was then appointed consisting of F. Bronson, T. W. Brisbine, J. Brauch, C. F. Rossteuscher and G. W. Kingsbury.

The following legislative and county ticket was then nominated:

For the Legislative Council, W. W. Brookings, Chas. H. McIntyre, Chas. F. Rossteuscher, W. W. Benedict. For the House, Torger Nelson, G. C. Moody, M. U. Hoyt, Jacob Brauch, Franklin Bronson. Judge of Probate, Michael Fisher; county attorney, W. W. Brookings; county commissioners, Warren Osborne, to fill vacancy of W. E. Root; Bucklin Wood to fill vacancy of B. M. Smith; James V. Bunker to fill vacancy of Felix LeBlanc. Warren Osborne was also nominated for the full term. (The old board had all resigned.) For sheriff, George W. Black; justices of the peace, A. W. Jameson and Chris Brured. County central committee, W. W. Brookings, Geo. H. Hand, and Newton Edmunds. The Committee on Resolutions reported the following, which were unanimously adopted:

Resolved, That this convention heartily subscribes to and endorses the reconstruction policy of our national Congress, believing that it is the only true policy by which the present national difficulties can be permanently settled and harmony and fraternal feeling restored among all sections of our country.

Resolved, That we believe the true interests of our country and the republican party will be best subserved by the adoption of the policy of rotation in office; and we hereby declare our purpose to conduct our elections in accordance therewith.

The convention then adjourned.

At the election which was held on Tuesday, October 9th, the republican or congressional party elected a majority of the Legislature. In Union County, the "union" ticket as opposed to the republican ticket, was successful. Clay and Yankton counties were carried by the congressional party. In Bon Homme, Charles Mix, Todd and Gregory there was but one ticket in the field which was divided about equally between the two parties. Red River polled a light vote and elected a non-partisan ticket. Laramie County, now Wyoming, elected two members of the lower House though no apportionment had been made to that section, it having been settled or occupied during the past year by a numerous population, attracted by the building of the Union Pacific Railroad; J. R. Whitehead and C. D. Turner from different sections of the country had received certificates of election to the Legislature.

The secretary of the territory had received a letter from W. L. Kuykendall, who had been appointed one of the county commissioners of Laramie County under the organization authorized by the Legislature of 1866-67, stating that at a recent charter election held at Cheyenne City 350 votes were polled. The writer stated further that at a general election to be held in October, the vote of the county would be from one thousand five hundred to two thousand. This county embraced a large portion of the future Territory of Wyoming, a bill for the organization of which was then pending before Congress, which had, when the Territory of Montana was cut off from Dakota, been attached to this territory. The building of the Union Pacific Railway through that region, which was then in progress, had given employment to a thousand men, and emigration had been flowing that way for months, until its male population of voting age exceeded the entire vote of Dakota in the Missouri and Red River valleys.

The year 1868 would be a presidential election year, and it was very well understood in 1867 that Gen. Ulysses S. Grant would be the candidate of the republican party. General Grant had achieved great fame as the successful commander who had brought the war of the Rebellion to a close and had compelled General Lee, the chieftain of the Confederate armies, to surrender at Appomattox, and it was manifest that the people of the country were determined to choose him for President to succeed President Johnson. The Dakota republicans unanimously shared in this sentiment and a territorial Grant Club was organized in December, 1867, with headquarters at the capital. W. W. Brookings was elected president of the club; C. H. McIntyre, Yankton County; Thomas C. Watson, Union County; H. J. Austin, Clay County; John W. Owens, Bon Homme County; J. R. Hanson, Charles Mix County; J. A. Potter, Todd County; Benjamin Hill, Lincoln County and John Nelson, Minnehaha, vice president; John L. Jolley, Clay County, secretary; Wm. Blair, Union County, first assistant secretary; Jas. S. Foster, Yankton, second assistant secretary; Newton Edmunds, treasurer. The vice presidents were authorized to organize county clubs in their respective counties. Minnehaha and Lincoln counties were not organized until 1868.

FIRST TEACHERS' INSTITUTE

The first Territorial Teachers' Institute to be held in Dakota Territory was held in Elk Point, Union County, on Friday, November 10, 1867, under the immediate supervision of Hon. James S. Foster, territorial superintendent of public instruction, and continued all the week. The superintendent was very well satisfied with the affair. Three of the organized counties were represented, Union, Clay and Yankton; Bon Homme and Charles Mix did not respond. The teachers present (there were five) had never before attended a school of instruction of

the kind but were pleased with its methods and heartily approved of it. Since that day the Teachers' Institute has been recognized as indispensable and is now provided for and maintained by law. This institute was called by Darwin Phillips, superintendent of schools, Union County; M. S. Burr, superintendent of Clay County; and A. G. Fuller, superintendent of Yankton County. Miss Annette Bronson and Miss Lulu Waldron were present from Yankton County as teachers; and Mrs. Jennie Wood and Miss Maulin from Union County; and Miss Annie Brewyer from Clay. Addresses were made by S. L. Spink, W. W. Brookings, E. C. Collins and Rev. Thomas Stewart and James S. Foster; but the proceedings were not published.

Its projectors seemed to feel that they had not made a sufficient show of numerical strength to justify making their doings public. This spirit prevailed quite generally, not only in educational affairs, but in church and political matters, where a half dozen or thereabouts would be the maximum of attendance, and though a convention would be held and an organization of some kind projected and possibly effected, that grew in numbers later, the small or meagre attendance was viewed as an element of weakness that would retard rather than promote the purpose of the gathering, hence no publicity was given to it. Professor Foster, who was superintendent of public instruction was an experienced educator from Central New York who came in to Dakota as the leader of the New York Colony, in 1864, and he was not discouraged by the paucity of numbers who attended this first session. He knew that the institute would grow in interest and value and continued it during his control of the common schools. It was thereafter made a permanent feature of educational work in the territory.

FIRST TREASURER'S REPORT

The first report made by a treasurer of Dakota Territory was that of M. K. Armstrong, who had been elected to the office in 1866. The report was made about the 15th of June, 1867, Mr. Armstrong being about to depart upon his Red River surveying expedition and he desired to place the condition of the office before the people in case he should from any cause fail to return and assume his official duties. There was no law authorizing him to appoint a deputy and he therefore deposited the territorial funds with Mr. Spink, the territorial secretary. Mr. Armstrong reported that since January 1, 1867, the date of his assuming the office, the receipts and disbursements had been as follows:

Received from I. T. Gore, territorial treasurer, January 1.....	\$ 60.00
Received from A. G. Fuller, treasurer Yankton County, June 7.....	154.00
Received from Wm. Searl, treasurer Union County, February 1.....	92.50
Received from Ole Bottolfson, treasurer Clay County, January 5.....	49.82
Total receipts	<u>\$356.32</u>
Disbursements to parties holding territorial warrants, ten in number.....	.....
Balance .....	.....

Which balance was deposited with the territorial secretary who was requested to pay warrants and receive funds.

Mr. I. T. Gore, of Union County, preceded Mr. Armstrong as treasurer but made no written report. He was elected to the Legislature of 1866-7, and during the session made a verbal statement of the condition of the treasurer's office. Prior to Mr. Gore's term, 1865-6, the territorial treasurer had neither received or disbursed any funds. It will be observed that the financial machinery of county government was in operation in only three counties in 1867. Bon Homme, Charles Mix and Todd counties were the only other organized counties that contained settlements, but their officers had taken no steps to assess property or collect taxes.

COURTS AND PERSONALS

Alaska—Alaska was purchased by the United States Government from Russia, in 1867; the treaty was ratified in April. The price paid was \$7,000,000. Next to the Louisiana Purchase it was the most important addition to its area that the United States Government had ever made.

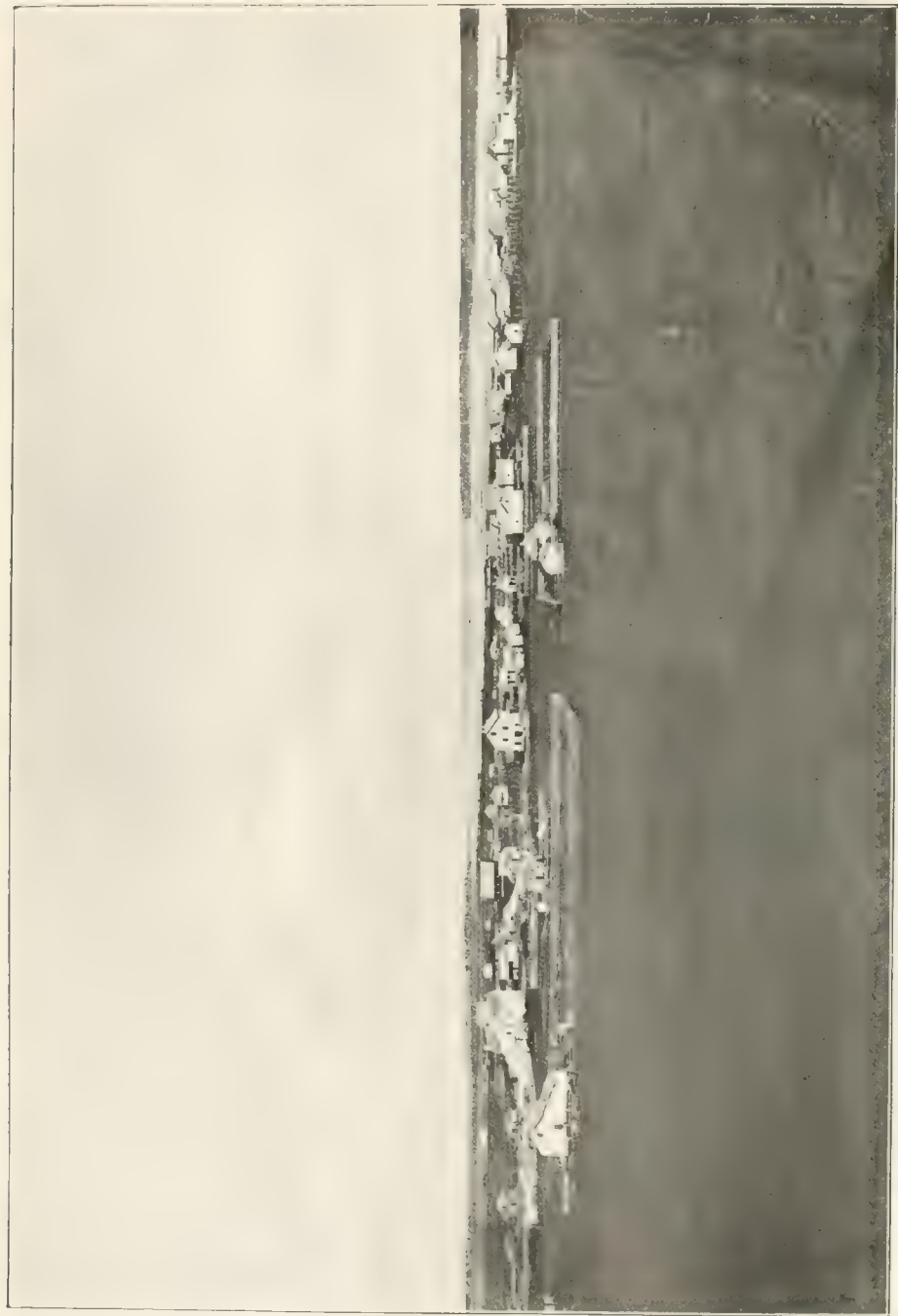
At the United States District Court held at Vermillion in October, 1867, there were eight criminal cases on the docket of parties charged with cutting timber on government land. This was a serious offense in the eye of the federal law, but a very general and commendable practice as viewed by the frontier settlers who were obliged to have log cabins to shelter their families in. The cases came up for trial and although the testimony was considered ample to convict, the uniform verdict of the jury was "not guilty." After one-half the cases were thus disposed of, the United States attorney, Hon. Geo. H. Hand moved the court to continue the remainder of the cases, trusting that at the next term of the court he would be able to secure a jury that had not had "some of the pork themselves." This, however, he was never able to do, and no convictions were had in any of the districts unless it was proven that the accused had wantonly cut the timber and notoriously made merchandise of it, in which case a verdict of guilty followed and a good round fine was usually imposed. The farmer settlers who came in after 1866 as a rule went wherever there was timber that no one claimed and helped themselves to house logs and firewood, and were seldom disturbed. It was necessary that they should have this material and "necessity knows no law."

Hon. Enos Stutsman, one of the earliest and most prominent of the Southern Dakota pioneers, received an appointment in February, 1866, as special treasury agent for Dakota and Montana. His principal duties were to prevent and detect smuggling from the British possessions into the United States, an illicit traffic that according to reports had grown to be quite extensive and profitable along the Dakota border. This was the beginning of the end of Mr. Stutsman's residence in the southern part of the territory. He was one of the pioneers of 1858, the first lawyer, and had taken an active part in every enterprise that promised to promote the welfare of the people. It might be claimed with fairness that he was the most influential of the class known as private citizens, then in the territory. He had been a member of the Upper House of the Legislature from the beginning, and was required to resign his seat when he accepted the special agency. It is probable that he could have had the best elective office in the territory had he been disposed to seek it.

Mr. Thornton W. Brisbine, accompanied by his son Harvey, reached Yankton on the 1st of May, 1867, and began business a few weeks later by opening a clothing store in the log structure on Broadway, next door north of Farmer's dry goods house, which was on the northeast corner of Third Street and Broadway. The building occupied by Mr. Brisbine had been formerly used by Thomas Powers as a general store, the same Thomas Powers who was elected one of the United States senators from the State of Montana in 1889. Mr. Brisbine and his son had both been in the federal army during the Rebellion. During the year the elder Brisbine took a homestead out on the Bon Homme Road, about two miles from town and built a fine farm house and substantial out-buildings. In July, 1868, his family joined him and settled on the homestead. While Mr. Brisbine was subsequently honored by his fellow citizens with frequent evidences of their favor in the way of public office, his distinguishing credit mark is derived from his being the parent of the most numerous family that had emigrated to the territory up to that time. His family consisted of his wife, Mrs. Mary A. Brisbine and nine children, the eldest of them being Harvey J., who was about twenty-five years of age. Then followed John Milton; William Albert; Sarah A.; Thomas Moore; Frank Raymond; Hiram E.; and Ada B. Harvey married a Wisconsin lady, Miss Drummond, in 1868 and removed to Yankton, living

for a time at the homestead, making a family of twelve under that patriarchal roof. Mr. Brisbane's daughter became the wife of Benjamin Ash, in later years, and now resides in Western South Dakota.

Hon. Franklin Taylor, of Clay County, was appointed by William Shrinier, collector, the deputy collector for Dakota Territory of Internal Revenue, in November, 1866.



VIEW OF YANKTON IN OCTOBER, 1866

CHAPTER XLI

THE SEVENTH SESSION OF THE LEGISLATURE

1867-68

LEGISLATURE OF 1867-68—PARTY HONORS QUITE EQUALLY DIVIDED—MESSAGE OF THE GOVERNOR—AGRICULTURE THE MOST IMPORTANT OF INDUSTRIES—RAILROADS NEEDED, LAND GRANTS WILL NOT BE DENIED—LARAMIE COUNTY AND THE UNION PACIFIC—WESTERN DAKOTA AND THE INDIAN POLICY—REPORT OF SUPERINTENDENT OF PUBLIC INSTRUCTION—COUNTY SCHOOL AND INDIAN SCHOOL REPORTS—TEACHERS' INSTITUTES—GYMNASTICS, SCHOOL BUILDINGS, AND COUNTY SUPERINTENDENTS—FOUNDING CONGREGATIONAL CHURCH AND THE CATHOLIC ORGANIZATION—ADJUTANT-GENERAL'S REPORT—AUDITOR AND TREASURER'S REPORT—LARAMIE COUNTY—LINCOLN COUNTY ORGANIZED—MINNEHAHA COUNTY REORGANIZED—CARTER COUNTY (NOW WYOMING) ORGANIZED.

The seventh session of the Legislative Assembly of Dakota Territory convened at the capitol building in Yankton, on Monday, December 2, 1867, and organized without delay. It was the first that had ever convened where there were no contests to delay or disturb the organization.

The members of the Council were: Union County, R. R. Green, G. W. Kellogg, David M. Mills; Clay County, H. J. Austin, Aaron Carpenter, A. H. Hampton; Yankton County, Wilmot W. Brookings, Charles F. Rossteuscher, Charles H. McIntyre, W. W. Benedict; Bon Homme County, Hugh Fraley; Charles Mix County, Dr. R. I. Thomas; Todd County, Jonathan A. Lewis; Pembina County, not represented.

After the customary ceremony of taking the oath of office by the members, calling the roll of members-elect, and a prayer for divine guidance, the following officers were elected: President, Horace J. Austin, Clay County; secretary, George I. Foster, Yankton County; assistant secretary, Lucien O'Brien, Clay County; sergeant-at-arms, T. M. Bryan, Union County; messenger, W. E. Root, Yankton County; fireman, Antoine Bruniche, Clay County; chaplain, Rev. C. W. Batchelder, Yankton County.

Dr. Thomas then escorted the president-elect to the platform, and before taking the chair, Mr. Austin said:

Gentlemen of the Council:—The confiding kindness and partiality you have been pleased to manifest in my behalf on this occasion is accepted with mingled feelings of gratitude and anxiety. I am not unmindful of the many arduous and responsible duties which appertain to the position I am called to occupy, but having full confidence in your kindness and cooperation, I shall enter upon the discharge of the responsible duties you have conferred upon me with a determination to act with impartiality towards all, hoping that all we may do here will redound to the present and permanent prosperity of our territory. Again permit me to thank you for your kindness.

The House was called to order by Franklin Wixson, chief clerk of the sixth session, who called the roll of members-elect, as follows:

First District, Union County, I. T. Gore, Thomas C. Watson, Caleb Cummings, William Blair, Michael Curry, Michael Ryan, Martin V. Ferris; Second

District, Clay County, John L. Jolley, Calvin B. Shaw, Anson Hanson, J. D. Tucker, William Brady and Hans Gunderson; Third District, Yankton County, Gideon C. Moody, Melancthon U. Hoyt, Jacob Brauch, Torger Nelson and Franklin Bronson; Fourth District, Bon Homme County, Jonathan Brown and James Keegan; Fifth District, Charles Mix County, Franklin J. Dewitt and Felicia Fallas; Sixth District, Buffalo County, John J. Thompson; Todd County, J. Shaw Gregory; Pembina County, Enos Stutsman; Laramie County, not represented in the organization.

Prayer was then offered by Rev. M. S. Woodruff, of Yankton. Chief Justice Bartlett then administered the oath of office and the House then proceeded to a permanent organization.

Mr. Moody nominated John L. Jolley, of Clay County, for speaker, and Mr. Dewitt nominated Enos Stutsman, of Pembina. The vote being taken resulted: Twelve for Stutsman, and ten for Jolley, as follows. For Mr. Stutsman: Messrs. Blair, Brown, Cummings, Curry, Dewitt, Fallas, Ferris, Gore, Keegan, Ryan, Thomas and Watson. For Mr. Jolley: Messrs. Brady, Bronson, Brauch, Gunderson, Hanson, Hoyt, Moody, Nelson, Shaw and Tucker.

The speaker-elect was then escorted to the chair, and spoke as follows:

Gentlemen of the House of Representatives:—In selecting me to preside over your deliberations, you have conferred upon me an honor as unmerited as it has been unsolicited, and I accept the responsible trust with many misgivings, feeling as I do that there are gentlemen on this floor who possess a fitness for the position which I can only strive to emulate. But as you have seen fit to place me in the chair, I will endeavor to discharge the duties thereby imposed to the very best of my ability, and as patiently and as impartially as it is possible for one of my impulsive temperament. This I can promise, and nothing more, and in conclusion I beg you to accept my thanks for this unexpected manifestation of your generous confidence.

The oath of office was then administered to the speaker by Chief Justice Bartlett and the following persons were then duly elected to the subordinate offices of the House of Representatives: Chief clerk, Pack H. Halnan, Bon Homme County; assistant clerk, Silas W. Kidder, Clay County; sergeant-at-arms, R. A. Wall, Charles Mix County; messenger, Joseph Reandeau, Union County; fireman, Israel Bruette, Union County; chaplain, Rev. M. S. Woodruff, Yankton County.

The joint convention for the purpose of receiving the governor's message was held in the hall of the House at 2 o'clock P. M. on the second day of the session.

GOVERNOR'S MESSAGE

On this occasion the governor appeared, accompanied by the secretary of the territory and the justices of the Supreme Court, and delivered his annual message, as follows:

Gentlemen of the Council and House of Representatives:—After the lapse of a year you have again met to discharge the duties imposed upon you by the organic act. Our first duty should be to give expression to our feelings of gratitude to the Giver of all good for the favorable circumstances which surround us. The blessings of health to a degree almost unknown in other parts have been vouchsafed to us during the whole of the past year, while the season of crops has been more than usually favorable. Immigration has added largely to our numbers, and the most favorable evidences of prosperity and increase are springing up everywhere within our borders. I have heretofore expressed unbounded confidence in our natural advantages; in the salubrity of the climate, and the inexhaustible fertility of the soil of Dakota. And others from abroad also are beginning more clearly to realize and appreciate these important truths. Within the past twelve months it has been estimated that the population of the territory has been more than doubled by immigration. A sober, intelligent and industrious people are coming among us, whose influence and capital are being felt in every department of trade and enterprise, adapted to our present condition and wants. From all these auspicious omens we may justly congratulate ourselves; and taking fresh courage from past success, renew and continue the efforts so

well and effectually made by past executives, legislatures and people for the general prosperity and rapid growth of the territory.

During my unavoidable absence from the territory, embracing about one-third of the past year, the duties of the executive office devolved upon and were discharged by the honorable secretary of the territory, and, I am pleased to say, with that promptness and ability for which his well known legal and practical training so highly qualify him.

While it should be our aim to foster and encourage all branches of industry, yet agriculture may be considered the real basis of our future hopes and prosperity. In this department of labor probably rests our best hope of the future, in the pursuit of which we will in time build up a thrifty population, the bone and sinew of our future commonwealth. Millions of acres of the richest grasses and most prolific soil here await the industrious immigrant, almost "without money and without price." Here labor is dignified, and we look with pride upon those of our neighbors who make to themselves homes and fortunes by honest and ennobling toil. Here, on these broad, lovely, and fertile prairies, there is a vast field for industrial development, while there is ample room and work for all, and a bountiful reward for all who do not despise the day of small things, but who, with the cheerful faith, courage and patience of the true pioneer, beginning low down at the bottom of the ladder, ascend its rounds by slow and sure degrees.

It would be well to consider whether there is any way by which you may, by your deliberations, create an increased interest in this branch of industry. Societies might be encouraged, local and territorial, through which agricultural science might be advanced. These would soon become the receptacles of practical knowledge, well calculated to stimulate enterprise in the importation and improvement of stock, cereals, plants, fruits and everything pertaining to agriculture in all its important ramifications.

The past year has been one of peace with the Indians so far as concerns the settled portions of Eastern and Southern Dakota. In the west, owing chiefly to the hostility of certain Indians to the Powder River wagon road, which to the white race has become a convenient if not indispensable thoroughfare to and from the mining regions of Montana, war has until recently existed, accompanied with its attendant horrors. But the travel and rapidly growing trade on the Missouri River has scarcely met with any opposition whatever in the past year from this cause, while on the contrary the tribes having their homes in the neighborhood of this stream manifest an increasing anxiety to abandon their nomadic habits and obtain their future subsistence under the guardianship of the Government by means of pastoral or agricultural pursuits.

Congress, a few years since, appropriated \$2,500 to purchase a territorial library for Dakota, in common with other territories. These books are, of course, the exclusive property of the territory, and as such under control of the Legislature. I would recommend that an appropriation be made out of the territorial treasury for the purpose of paying some competent person to catalogue these books and for the purpose of printing such catalogue.

ARMS AND ARMORY.—In my last message I called your attention to the importance of providing for the reception and safe keeping of certain Government arms due this territory, and to the propriety of collecting and preserving those already entrusted to our charge, with the view to be thoroughly prepared for our own defense against any apprehended attacks of hostile Indians. Nothing, however, was done by the Legislature to meet the emergency. Since then 1,000 stands of arms, with the necessary fixed ammunition, together with equipments sufficient for 400 cavalry, were received by the adjutant general from the secretary of war on my requisition, a portion of which he has issued out to military companies, which, with a most laudable and patriotic zeal on the part of the citizens of the territory, were promptly organized and officered under the militia law of 1862. The cost of transportation was charged to the public treasury, and but little expense to the territorial treasury was incurred in connection with their delivery. Still a large proportion of the arms and ammunition yet remain on hand, without any suitable provision for their storage or safe keeping. It would be well for you to consider whether, since the Government has dealt toward us with such a liberal hand, you cannot devise some appropriate means by which the remainder can be securely kept for future use, and whether some amendments to the militia law above referred to may not be required to make it more efficient and useful. For further information on this subject I respectfully refer you to the report of the adjutant general. I also refer you to the reports of the territorial auditor, treasurer and superintendent of public instruction for much useful and gratifying information connected with the finances of the territory and with the condition and progress of the public schools.

EDUCATION. Considering the obstacles to be overcome in a new and sparsely settled country like this, the straitened means of an infant territory, the schools already seem to be in a flourishing condition. The progress made, the good accomplished and in prospect, amply vindicate the wisdom and forecast of the men who, at the session of the first Legislature convened in the spring of 1862, laid the foundation of this system of education. Its beneficent results, to be realized in future years, in a moral, social and political aspect, can scarcely be foretold or even appreciated. Its impartial effusion of knowledge gives it the preeminence over all older systems, and I apprehend we must adhere to it so long as we base the preservation of our constitutional liberty and free institutions on the intelligence of the masses or sincerely believe in man's capacity for self government. The

provision made by Congress, and approved March 2, 1861, for the future education of the people of this territory is most ample, and will produce a school fund of infinite value when we have thrown off our present condition and assumed the proud position of a state in the Union. The liberal grant seems to have been inspired by the great example set by our illustrious forefathers in the Congress of 1787, when, on the 20th of May, speaking in reference to the munificent land grants for the Northwestern Territory, they declared: "That religion, morality and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall be forever encouraged."

RAILROADS.—At the last session of the Legislature acts were passed incorporating the Dakota and Northwestern and the Minnesota and Missouri River Railroad companies, the corporators of which have since met and fully organized according to the provisions of the acts named. Interest in regard to these important projected improvements has been considerably awakened during the course of the last year and it may be presumed that Congress will be applied to, at the coming session, for grants of land to aid and encourage the said companies in their construction. Whether or not the Legislature should memorialize Congress in behalf of these grants is a matter for you to decide. It is presumed that we have, in the vast bounds of Dakota, rich and valuable lands enough to fully indemnify capitalists for the investment of their money in these enterprises; and if we sufficiently consider the effect when made upon the future of this territory we will not withhold an expression of sympathy in behalf of such a donation. Congress has given liberally, as well of the public money as the public lands to aid in constructing the great Pacific Railroad across the continent, including its branches. It is, therefore, not to be presumed that land grants will be denied to these roads, which are almost national improvements in point of importance, if the subject is properly brought to their attention. Two important railroads will soon be completed to Sioux City, Iowa; one a branch of the Pacific road to which I referred in my last annual message, and the other the Dubuque & Sioux City, which has been leased for twenty years to the Illinois Central. The benefits of these improvements will be rapidly felt beyond their western terminal by the stimulus thus given to immigration, agriculture and all branches of industry in Southern Dakota, and thus will daily add to the already increasing demand for a similar road from Sioux City up the valley of the Missouri to Yankton, a distance of sixty-five miles. As our population increases and business expands, cheaper and speedier communication between the West and the East will be demanded; therefore, in pressing this subject upon the attention of the Government and of capitalists we are only anticipating the wants and wishes of the people who are soon to inhabit this territory.

I have spoken of our contemplated roads as being almost national improvements in point of value. The time is coming when such language will be viewed as timid to a fault, and when the military and commercial wants of the country, east and west, will demand a railroad through the valley of the Missouri, and by way of the Black Hills to Montana and Idaho, and thence to the Pacific states and territories. And capitalists cannot, if they would, ignore the advantages of the route or its influence in developing the rich resources of the country through which it will be located. And the Government cannot, if it would, ignore the fact of its great national advantage in establishing a military road by this route, and by cementing, by ties of mutual interest, the Pacific and Atlantic states.

LARAMIE COUNTY.—Your attention is invited to that large part of Dakota known in our statutes as Laramie County, lying west of the 104th meridian. The extension of the Union Pacific Railroad through the southern portion of this country has given a strong impetus to immigration in this direction and it would be well to consider whether we have it in our power, by legislative enactment, to afford them the benefits of civil protection. Experience demonstrates that our courts, as at present organized and located, at such a remote distance from their settlements, can be of but little service to them in the administration of justice. The civil cases which will continually arise must be attended to, and crime, which now goes unwhipped of justice, must be punished. We may render aid to the extent of the authority given us under the organic law, but if this is not sufficient in their opinion I know of no good reason why they may not be clothed with all the blessings and protection of a separate organization. The lines embracing the limits of a new territory would most likely be identical with those which now embrace this new county, and I know of no policy of our own counterbalancing the benefits of such an organization to them for opposing such a measure. It is certainly important that the arm of the law should be sufficiently convenient and sufficiently powerful for the protection of life and property, and that the unrestrained and unpunished criminals of that neighborhood may not give rise to an apparent necessity for the citizens in their own names, and without the authority of law, to undertake the administration of justice. Where the territorial courts are located a feeling of security exists. The law is wisely interpreted and promptly applied by an upright, able and faithful judiciary, and we are in duty bound to aid in the extension of these indispensable benefits and blessings to the remotest corners of our territory. Besides, as regards the friendly Indians in that country, until courts are brought within their immediate reach the trade and intercourse laws of Congress will be a dead letter. Unprincipled white men will with impunity introduce among them spirituous liquors and other unlawful traffic, always demoralizing to the Indian, and dangerous to the peace and safety of the inhabitants.

Your attention is also invited to the propriety of passing a general incorporation act to meet the growing demands of the territory. By an act of the Thirty-ninth Congress, approved March 2, 1867, it is provided as follows:

"That the legislative assemblies of the several territories of the United States shall not, after the passage of this act, grant private charters or special privileges, but they may, by general incorporation acts, permit persons to associate themselves together, as bodies corporate, for mining, manufacturing and other industrial pursuits."

Acts granting private charters or special privileges, except for municipal purposes, or in cases where, in the judgment of the Legislature, the objects of the incorporation cannot be obtained under general laws, have, in some of the states, been prohibited by constitutional provision.

WESTERN DAKOTA AND THE INDIAN POLICY.—At the last meeting of the Legislature I suggested the propriety of making an effort to secure military protection to immigrants who might wish to locate around the Black Hills of Dakota. To this the Legislature promptly responded in the form of a memorial to Congress setting forth in a lucid and satisfactory manner, the great natural resources of that country and its vast importance to the future growth and prosperity of this territory; but I regret to say without being gratified with that success which was hoped for, and which seemed of such vital importance to us as a people. From present indications, the past policy of the Government is undergoing a change in relation to this region; and unless public opinion can be brought to bear on the action of Congress during the coming session, by the action of the Legislature and people of this territory, and if need be by the voice of the whole people of the Missouri Valley, whose business interests are involved, our brightest hopes and expectations heretofore indulged in, must fail. I refer to the bill passed and approved at the adjourned session of Congress in July last, appointing a peace commission, whose duty it is, if possible, to establish peace with certain hostile tribes of Indians in the West. Among other duties enjoined on these peace commissioners they are required to examine and select a district of country, having an area sufficient to receive all the tribes east of the Rocky Mountains, not now residing on reservations and at peace with the Government, to which the Government has the right of occupation, or to which the commissioners can obtain the right of occupation; and in which district there shall be sufficient tillable and grazing land to enable the tribes to support themselves by pastoral or agricultural pursuits. Possibly it would be more correct to say that two such districts are in contemplation, one of which is to be in the Northwest and the other in the Southwest. It has been generally understood that the one which concerns us is to be located within the present boundaries of Dakota, having the Missouri as its boundary line on the east, the Yellowstone on the north, and the Niobrara on the south. The bare statement of the boundaries as above given will be sufficient to satisfy you, I trust, that the proposition, if carried out, must be fatal to our territorial interests. The lignite coal beds of the Bad Lands, the immense forests of pine timber of the Black Hills, together with the precious metals and beds of gypsum, are all west of the Missouri and enclosed within these limits. Tribes of Indians, inured to savage and relentless warfare against the white race since the outbreak in Minnesota in 1862, and until recently engaged in deadly conflict to recover possession of the Powder River road, and along the Platte, will under treaties of peace be brought and located alongside of our present promising settlements; and the progress of these settlements westward will thenceforward be limited by the boundary of the Missouri River. All access to the reservation is to be cut off except to the officers and other employees of the Government, at least, without permission of the tribes interested. And it is not probable, in my opinion, even were all other objections removed, that the white inhabitants located on the east side of the river would be able peaceably to trade and barter with these ignorant Indians, the products of our soil or our manufactories, for the timber and other desirable articles of that region. It would doubtless remain for many years, at least, locked up from the white race and diverted from the manifest uses designated by Providence. Thus the unfortunate barrier to our progress would discourage enterprise, turn the tide of immigration away from us, and effectually check the further growth and prosperity of the territory, now so encouraging. The valuable building material, never used or cared for by Indians, would be placed beyond our reach, while, as at present, no other could be had at reasonable rates. Thus by act of Congress, a stupendous wrong would be inflicted on the people who are destined to inhabit this territory, as the effect would be to establish an oppressive monopoly in favor of the lumber markets of the Mississippi and the lakes.

I do not wish to discourage, by any act of mine, the past policy of the Government, which was to recognize the original right of the Indian to his hunting ground. He has a possessory right or title which in justice we must respect. His weakness and our strength furnish no justification for an invasion of his rights without compensation. We must show our superiority over him in acts of justice and magnanimity, as well as mere military prowess, in our efforts to ameliorate and improve his condition, as well as to outstrip him in industry, civilization and progress. All experience shows that the Indian cannot sustain himself by the chase alone, after the white man once invades and occupies his country. The buffalo and other game will disappear before the railroads and other highways and settlements, and the Indian must as a consequence fade away and disappear also, unless, under the fostering hand of the Government, his nomadic habits are abandoned and he is taught the arts and advantages of civilization. The Indian should, therefore, not have a distrust of

country so large that he can roam forever in a wild and uncivilized state; but he should be placed on reservations where, aided liberally by the Government, he could be taught the superior advantages of a pastoral and agricultural life, over his present wandering and aimless existence; and where the benign influences of religious instruction, the arts of peaceful industry, and the schools of learning, shall finally qualify him for the higher position of an American citizen.

The Government in our case, as in the case of California, Utah, Colorado and other territories, extended its civil jurisdiction over this country by organizing a territorial government, without waiting for the extinguishment of the Indian title, except in the southeast portion, purchased under the Yankton Treaty. From this circumstance the Government has incurred a double obligation, which, in justice to the Indian and the citizens, should be faithfully discharged to both. First, as to the Indians: Treaties should at once be made with a view to purchasing their title to the Black Hills country and the Bad Lands, west of the Missouri, including the Big Cheyenne; and the right of way, by means of railroads and other improvements, to and from those regions, and to and from the mining regions of Montana and Idaho; at the same time securing them reservations on the bottom lands of the Missouri, or elsewhere, of suitable size and quality for farming purposes, with ample guarantees for their future protection and support during good behavior. So much, at least in my judgment, is due to the Indian.

As respects the white citizen, I contend that the extension of civil jurisdiction over this territory carries with it a guarantee of protection. It was an invitation to occupy and possess the land by the introduction of agriculture, trade and commerce. It was a pledge of protection to life, liberty and property, to all who would cast their lots within our borders. It was an implied contract with the citizen that the Indian title should in due time be extinguished, and that the fuel, building material and mineral deposits, including all the materials which enter into the composition of industrial life, should be his at Government price. It was an invitation to organize communities in which the temple of God and the schoolhouse should be erected, under the aegis of the Government, and where the arts and sciences of civilized life should be permitted to flourish without fear of savage molestation. It is right, therefore, that the Government, instead of dooming this country forever to savage control, should at once secure to us, under the operation of the homestead, pre-emption and mining laws, by purchase of the Indian title, the valuable resources referred to, which are essential to the prosperity and happiness of the citizen, but which possess no value in the eyes of the Indian, and would remain buried out of sight for ages to come if left to his disposition, skill or industry to develop.

It is due to justice and truth in this connection to say that whatever may be the result of this important movement, in its bearing upon us, I have the utmost confidence in the ability, patriotism, impartiality and good judgment of the gentlemen who compose the peace commission. If great legislative experience, long and distinguished public services, and extensive acquaintance with the intricate subject of Indian affairs, are qualifications, then they are eminently fitted for the discharge of the duties entrusted to them. And if they fail to remove all just causes of complaint on the part of the Indian, or to establish peace and security on a basis of future prosperity for the citizen, I am confident that no particle of blame should be attached to them for such failure. But notwithstanding this, it would be right and proper, in my opinion, for the Legislature to respectfully memorialize Congress, to whom the final disposition of this subject belongs, so far as their action may injuriously affect our well known territorial interests. We should protest against the mutilation of our boundary lines as contemplated; we should remonstrate against giving up the public highways already established by authority of the Government, such as the Sioux City and Big Cheyenne wagon road, and that of the Niobrara route; we should remonstrate against any congressional action which would tend to deprive the white citizen of the full benefit of the Black Hills resources, and we should press our objections to an act establishing this great Indian district or reservation alongside of the settlements of Southern Dakota.

It would be well to suggest to Congress that we have space enough north of the Big Cheyenne to accommodate on reservations, ample in size and quality, all the tribes on the plains east of the Rocky Mountains and north of the Platte, and in the midst of the best buffalo hunting grounds on the continent. This would be safe for us and an actual benefit to the Indians, while with proper regulations it would be a protection rather than an injury to the interests of the Northern Pacific Railroad. It would be well to suggest that a reservation which should embrace the Black Hills country could not in view of the past history of the country be a permanent one, and for that reason would not answer the design of the Government. The rich mineral deposits and the vast forests of pine of that region, are destined to allure thousands of adventurers to that locality, who will eventually break over these temporary barriers, involve the Government in new conflicts with the Indian tribes, and thus compel new treaties and a new order of things more in harmony with the progress and spirit of the times. I do not speak of this aggressive spirit, peculiar to our race, with a view to extol or even to justify it; but as a fact worth taking into account by those whose duty it is to legislate on the subject referred to, I mean by it to point out what experience teaches, that reservations unwisely chosen, because of the manifest obstructions offered to the white race, can only at best be temporary homes for the Indian tribes, and rendering their condition worse than it was before.

The remaining duties appertaining to this and other subjects to which I have invited attention, now rest with you. Wherein I have omitted subjects of importance, dwelt on in my annual message of last year, I respectfully refer you to that document for my opinions and recommendations. But, as heretofore, you will have my cordial cooperation in whatever concerns the true interest or welfare of this territory; and in all your deliberations I invoke the direction of Infinite Wisdom.

A. J. FAULK.

Executive office, Yankton, December, 1867.

INDIAN SCHOOLS AND COUNTY SCHOOLS

The progress made in the establishment of a common school system for the territory, and the hindrances encountered, is most clearly and reliably related in the official report of the superintendent of public instruction, which is given herewith as it was submitted to the Legislature in December, 1867:

Three years ago the superintendent of public instruction presented his first annual report to the Legislature of Dakota. At that time no public, and but few private, schools existed in the territory. The country was so thinly settled that schools could not be supported, and doubtless many families that would have been valuable settlers and zealous supporters of the cause of education turned their course back toward the homes they had left, when they contemplated the lapse of years that would, in all probability, sweep past them before this beautiful valley could be provided with schools and other social advantages which they had enjoyed in their more eastern homes. But we are thankful that the prosperity and rapid growth of our territory has materially shortened the length of time which we then thought we must reasonably expect to wait for public schools to become thoroughly established along the Missouri Slope. We have today a free school system in practical operation in this territory, with all its various machinery of district, county, and territorial officers, and although some of our hastily constructed schoolhouses may suffer some by comparison with the superb school buildings of older and wealthier states, still they are serviceable to us, and will in due time, we trust, give place to more suitable schoolhouses. We have no reason for discouragement. Our brightest anticipations are in a fair way to be realized. A good school has been established and schools opened in every hamlet, and he who shall, three years hence, present to the Legislature of Dakota the annual school report, will number the pupils of our schools by thousands, and the teachers by hundreds. Within the last year many school districts have been organized and a free school supported for one term or more. For the educational statistics of the year, your attention is called to the following extracts from the reports of the several county superintendents:

BON HOMME COUNTY

Number of organized districts, 1; number of private schools, 1; number of children in the county between 5 and 21, 40; number of children attending private schools, 10; number of children not attending any school, 30; number of male teachers, 1; amount of money raised by tax, \$50; amount of money raised by subscription, \$450; total amount raised for schools, \$500; amount expended for teachers' wages, \$500.

Owing to the sparseness of our population it has been difficult to collect a sufficient number of children at one point to support a public school; but the prospects are that we shall have a school this fall and winter. Several pupils from this county have attended the schools of Yankton County.

D. P. BRADFORD,

County Superintendent.

BUFFALO COUNTY

Number of children in county between ages of 5 and 21, 25; number of children not attending school, 25; value of schoolhouse belonging to United States, \$2,000.

These twenty-five children do not extend to children having no visible sires and living wandering lives like Indians. Of this latter class there may be one hundred who make this agency their headquarters, whose existence here is a perpetual reminder of the success of the "brave volunteers in conquering a rebellious people." There are two Government schoolhouses here, not used for such purposes, valued at \$2,000. There are no schools of any kind in this county. I would furnish a building free to a competent school teacher.

J. R. HANSON, Agent.

CHARLES MIX COUNTY

Number of children in county between the ages of 5 and 21, 20; number of children not attending school, 20.

There are no public schools in the county.

WILLIAM COX

CLAY COUNTY

Number of organized districts, 7; number unorganized, 4; number of children between ages 5 and 21, 201; number of children attending public schools, 30; number of children not

attending schools, 105; number of male teachers, 1; number of female teachers, 3; number of official visits made by county superintendent, 3; amount of public money, \$255.32; amount raised by tax, \$29.94; amount raised by subscription, \$57.78; total amount raised for schools, \$608.04; amount expended for teachers' wages, \$340; amount expended for new buildings,; value of school property in the county, \$300.

The reports of district clerks are very imperfect. A considerable amount of the public fund remains in the hands of the treasurer. Districts Nos. 2 and 3 have each levied a tax for a new schoolhouse. District No. 9 is a fractional district, annexed to District No. 12 in Union County, and has built a new log schoolhouse. District No. 10 has just organized. District No. 11 will organize in a few days. The reports of district clerks I have not thought proper to transmit.

M. S. BURR,
County Superintendent.

LARAMIE COUNTY

Number of children in the county between the ages of 5 and 21, 200; number of children not attending school, 200.

To the Territorial Superintendent—I will show Mr. Gildersleeve, county superintendent-elect, your letter as soon as he is qualified, and urge him to act without delay. We have no schools, either public or private, as yet, in this county, but hope to show a good beginning this winter. We have labored under many disadvantages, but are getting in position to make our county organization effective, which is the foundation for success with public schools. I will place the number of children in this county, between the ages of 5 and 21, at 200. You can rest assured that I will use my best exertions toward effecting school organizations in this county.

W. L. KOYKENDALL,
County Judge

MINNEHAHA COUNTY

Number of children in the county between ages of 5 and 21, 15; number of children not attending public school, 15.

You see by the foregoing report that we have no schools in this county, which is not to be wondered at, as two-thirds of the children came here less than two months ago. I can assure you that as soon as they provide homes for themselves for winter, the education of their children will be their next care. We are all united, therefore we expect success to crown our efforts. You may expect a better report next year.

JOHN THOMPSON.

(The reader is reminded that Minnehaha County had been without settlers and practically disorganized since 1862, owing to Indian troubles, and remained unsettled until the fall of 1867.—Ed.)

PEMBINA COUNTY

Number of children between the ages of 5 and 21, 563; number of private schools, 2; number of pupils: males 73, females 41, total 114; number of teachers: males 2, females 1; amount expended yearly in support of private schools, \$600; value of school property, \$1,200.

As the above county was organized only on the 12th of August, last, there has been no tax assessed and collected for the erection of new school buildings, and for the support of common schools, neither has the superintendent for that county had time to prepare and send in reports required by law, and reorganize the old schools and establish new ones where needed.

(This report was unsigned and probably made by the sitting member of the Legislature who was familiar with Pembina school affairs.)

TODD COUNTY

No report.

Number of children reported last year, 25; number of Indian children residing on Ponca Indian Agency, 150; amount of school property belonging to the United States, \$17,500.

No school has been started in this county; \$17,500 has been expended in erecting a school building, which is not completed. This building is for a manual labor school for the children of Ponca Indians, provided for them by the Government under treaty stipulations, and a school will no doubt soon be started in accordance with their treaty.

J. A. POTTER, U. S. Indian Agent.

UNION COUNTY

Number of organized districts, 16; number of unorganized districts, 1; number of children between the ages of five and twenty-one, 724; number of children attending public schools, 296; number of children not attending school, 428; number of male teachers, 6;

number of female teachers, 5; number of official visits of county superintendent, 5; amount of public money, \$285; amount raised by tax, \$579.28; amount raised by subscription, \$187.50; total amount raised for school purposes, \$1,051.78; amount paid for teachers' wages, \$608.93; amount paid for new buildings, \$138; total amount paid for all purposes, \$1,199.50; value of school district property in the county, \$949.00.

Our schools are getting in running order as fast as the condition of the country will admit. Most of the districts that are provided with suitable buildings are intending to support schools this winter, and probably every organized district will be able to keep up schools after the coming winter. The several district clerks' reports show you the exact condition of the schools in each district.

D. P. PHILLIPS, Superintendent.

YANKTON COUNTY

Number of organized districts, 5; number of private schools, 1; number of children in county between five and twenty-one, 225; number of children attending public schools, 29; number of children attending private schools, 100; number of children not attending school, 96; number of male teachers, 1; number of female teachers, 3; number of official visits of county superintendent, 3; amount of public money, \$129; amount raised by subscription, \$1,606; total amount raised from all sources, \$1,735; amount paid for teachers' wages, \$435; amount paid for new buildings, \$1,300; total amount raised for school purposes, \$1,735; value of school property in county, \$3,000.

No public school has been kept in any district in this county except number 2. Number 1 is nearly ready with its house, and will probably start a school some time during next month. The other districts are building houses and will commence schools soon. This accounts for only one licensed teacher; the others, teaching private schools, needed no license.

A. G. FULLER, Superintendent.

STATISTICAL AGGREGATE FOR 1867

Number of organized districts, 29; number of unorganized districts, 5; number of private schools, 2; number of children between the ages of five and twenty-one, 1,550; number of children attending public schools, 421; number of children attending private schools, 160; number of children not attending school, 970; number of male teachers, 10; number of female teachers, 13; number of schools visited by territorial superintendent, 5; amount of money raised for school purposes, \$5,000; paid for teachers' wages, \$2,388; paid for new buildings, ———; amount of money expended for school purposes, \$2,612; value of school property in territory, \$5,500; total value of school property in territory, including Indian schools, \$24,240.

INDIAN SCHOOLS

There are now no Indian schools of importance in this territory except the one at the Yankton Agency, and yet it is our firm belief that much could be done towards bettering the condition of the Indian tribes if their young people could be brought under the influence of schools. In fact, the few experiments that have been tried with them, in teaching them to read and write, have been very successful. The general Government has expended large sums of money in erecting schoolhouses and supporting teachers among them, while but very few Indian schools have been taught, notwithstanding the salaries of teachers have generally been drawn by some attache of the agency, or other persons who cared but very little for, and did still less toward, instructing the Indian children. Would it not be proper for the Territorial Legislature to ask the general Government to place the Indian schools in this territory under the charge of the school department of the territory? At most of the agencies there are erected valuable school buildings, which with proper care would accommodate a large number of pupils. The sums of money appropriated by Congress to the several, from time to time, for educational purposes, if judiciously expended, would, with a system of wholesome supervision and thorough inspection, be sufficient to pay the wages of a corps of faithful and energetic teachers, whose influence in educating and civilizing these frontier tribes could not fail of producing good results. In proof of the statement that the Government has now the necessary school buildings at our agencies for flourishing Indian schools, we need only to call your attention to extracts from letters received from Hon. J. R. Hanson and Dr. Joel A. Potter, United States Indian agents, which are embodied in this report. The following extracts from a letter received from Hon. P. H. Conger, Yankton Indian agent, show conclusively that Indian children are willing to learn if they have an opportunity.

"Yankton Agency, Dakota Territory, July 31, 1867.

"Dear Sir: I take pleasure in complying with your request to furnish you such information as I can in regard to the educational interest of the Yankton Indians and the half-breeds belonging to this tribe who reside upon the reservation. In the first place, I will premise by saying that since I have been the agent for the Yankton Indians the Government has not placed any funds in my hands applicable for schools for these Indians. But notwithstanding this my wife taught a small class for three months last season, and this

spring I fitted up a room and she has had a very interesting school numbering from twenty to twenty-five daily attendants, ten of which scholars are males and fifteen females, and I am happy to say that they are all making rapid progress, both in acquiring our language and in their studies. They manifest an eagerness to learn that is truly gratifying and wonderful, furnishing conclusive evidence that their race is capable of advancement and civilization. I have not filled up the blanks you sent me, preferring to give you a few facts, which you are at liberty to use as you see proper. Of course the branches taught here are elementary only, reading, spelling and writing, and I believe also a small class in geography. I extend to you a cordial invitation to visit the school, could you make it convenient, when doubtless you would be prepared much better to report upon the same than you can be from these meager facts. Assuring you that I take pleasure in promoting in any way the cause for which you are laboring, I have the honor to be,

"Very respectfully, your obedient servant,

"P. H. CONGER."

IMPORTANCE OF GOOD COMMON SCHOOLS

Our common schools are called "people's colleges," because the great mass of the people obtain their education in them. But few who receive their education in our western states and territories ever are favored with a collegiate or even an academic education, hence the importance of making our common schools worthy of the patronage of all. A higher grade of scholarship should be aimed at, and such a course of study pursued as will in a measure prepare our young men and young women, educated at our schools, for the real duties of future life. Much might be said here upon the importance of commodious schoolhouses, increased salaries for school teachers, and of ample school apparatus; but we must first do what we can and not what we would like to do. We are far out on the frontier, and far from the old organized districts to which we formerly belonged. We have not a munificent school fund, like the older states, nor have we even a thickly settled farming community upon whom to saddle a heavy tax to erect our schoolhouses with and support our schools. But we find a fertile soil, a healthy climate, and an excellent opening to build up a home. The pioneer selects a promising location, erects his cottage, fences his fields, breaks the ground and puts in the seed, plants forests and fruit trees around his new home, and presently another and another settler commences his improvements until enough are congregated in that locality to organize a school. Then the log schoolhouse is built and a teacher employed. Thus the great work of settling up the West goes on quietly but surely, and so rapidly is the work of settling done that it is not infrequently that where in the spring not a furrow was broken or a house foundation laid, before Christmas comes a good settlement is formed, with public schools in operation, well organized and supported, the whole neighborhood presenting the appearance of having been long settled. But generally it requires time to open a farm on the prairie, and it is no wonder that two, and perhaps three, years should roll by before a school district can be organized and a school put in working order. The first great duty of settlers in a new territory is to provide a home, and after that, as soon as possible, a place to educate their children.

It is not really as much trouble to organize districts as some of our people may think. The law is very clear on this subject and all you have to do is to apply to your county superintendent or to the territorial superintendent for a copy. The people of this territory know well enough that it is best to organize a district as soon as a sufficient number of families can be gathered in one neighborhood, for this fact alone is a great inducement for others to come and settle near them so as to have the benefit of school immediately. It is far better to organize districts and support schools, even though your schoolhouse is made of logs and your school furniture of slabs, than to let our children grow up in ignorance because we cannot erect an elegant schoolhouse with patent school furniture.

One of the greatest hindrances to organizing school districts is the sparseness of our population. Not unfrequently large tracts of country are included in the same district, and a schoolhouse built by tax or subscription, in which burden all who are residents of the district bear a part. In a few years the country becomes more thickly settled, and the people, tired of the long walks of their children to school, conclude it is better to have a new district, and a call is made for a subdivision of the district. The schoolhouse at first built in the center of the district now falls near the outer edge of the new districts, and hence accommodates neither; or if it falls near enough in the center of one to answer for a while a question comes up as to whom it now belongs, and not unfrequently much difficulty arises in settling these perplexing matters. It would be well so to modify our school law as to authorize the levying of a tax, by the district retaining the schoolhouse, to refund to the newly organized district a sum of money equal to their equitable interest in the school property of the former district, and to avoid as much as possible the recurrence of such cases in the future, I would recommend that the county superintendents of the several counties, as soon as practicable, proceed to district their entire county into such sized districts as will likely within a few years be required, and having in view the future wants of the district. In the older states it has been for some years a source of great evil that the school districts are too small, and great efforts have been made to consolidate districts until pupils enough shall be gathered together to form a school. Let us take warning from

these facts and keep our districts sufficiently large to enable us to support a good school, even if pupils have to walk a little farther to get to school. Not unfrequently in some districts in the eastern states the schoolhouses are closed a great portion of the year for want of pupils to make up a school, and the consequence is that those who wish to attend school must go to the adjoining district, frequently two or three miles distant. It is better far to keep the districts sufficiently large so that there will be a likelihood of having pupils enough for a school and taxable property enough within the district to support it.

PUNCTUALITY OF ATTENDANCE.—It is a fact that will not be controverted that punctuality of attendance in pupils is essential to the prosperity of a school. It is a singular fact, too, that parents knowing that their children are habitually tardy in the morning tolerate this pernicious practice when they must know that it is destructive of much of the good that ought to be accomplished by their children attending school. It is a fact noticeable by all that those pupils who attend school regularly and are prompt in the morning generally succeed well in their studies and have an attachment for the schoolroom; while on the other hand those who do not attend regularly are generally backward in their studies and more generally apt to be dissatisfied with the school. Besides the loss of knowledge which might have been gained, a bad habit of carelessness is acquired by habitually tardy pupils which will be likely to last through a lifetime. There is still another class of citizens who will not avail themselves of the benefits of schools after they are provided for them by their generous neighbors. The time may come in our republican government when the question will be agitated whether it would not be just to compel the attendance of pupils for a certain length of time in the public schools. It is said to be good republican theory that intelligent citizens are the wealth and power of the state. If this be true, ought not every reasonable means to be used to bring all children everywhere under the influence of common schools in their earlier years, keeping them constantly in the common schools until they graduate honorably from them, with a good practical common school education, with which, if a habit of reading has been inculcated, all pupils may become well educated; thus increasing the wealth and power of the nation? It is also claimed, in republican governments, to be true, that the intelligence of the people is the best safeguard or security to life and property. If this be true, ought not then the property of the country be used to educate the children of that country? In any government, good and wholesome laws, in time of peace, give the best security to life and property, and just and equitable laws cannot be expected to be enacted by any people not intelligent and well informed, and among whom the benefits of education have not been diffused. And since general intelligence and popular education cannot obtain without the aid of the common schools, therefore we conclude that all persons, rich and poor, are interested in the spread of universal education and ought to contribute to its support since upon the intelligence of a community rests the security of life and property. We frequently find persons who object to paying a school tax and who seldom object to paying a county tax, a large portion of which is made up of fees of officers of the criminal courts, which, according to the criminal statistics of the country, would not probably have been created had good sound moral and intellectual instruction been given to these law breakers in their youthful days. According to the statistics in this country it is far better for a man to pay a school tax of two mills on the dollar for the support of common schools, where all the children of both rich and poor can be educated, than to pay a much larger tax for the payment of officers' and magistrates' fees in the criminal courts, and for the support of prisons and alms houses. It is a notorious fact that the majority of the inmates of prisons and poorhouses have not had the advantages of an education. If, as has been stated, property is taxed for school purposes under the supposition that the intelligence of the people affords greater security for property, have not property holders and tax payers an undoubted right to demand that they shall receive the benefit of their taxation in this greater security of life and property which can only be secured by a general diffusion of intelligence? And how can this intelligence be spread among those who never attend the common schools or other institutes of learning? In short, if people who have children will claim, as they do, and rightfully claim it, too, that those citizens who have no children but have property should help to educate their children, then have not the tax payers a right to demand in return that all children of school age shall attend some portion of the year at these schools which they are supporting?

COMPULSORY EDUCATION AND REGULAR ATTENDANCE.—It is not probably best now, if ever, to enact a law compelling attendance on some school, either public or private, by all children, although such enactments are in force, not only in the old world, but in our own country in some of the New England states. It is well, however, to contemplate the mischief that is wrought in our public schools from this unnecessary source. It is curious and even profitable for us to contemplate how closely the interests of the people of a republican government are connected and interwoven with each other. One man cannot improve his farm without in some measure increasing the value of the farms of all his neighbors. A man cannot engage in any worthy private enterprise without benefiting in some way nearly every citizen in his community. Every important act of our whole lives operates in some way upon our fellows, and affects them for good or for evil in a greater or less degree. So every private wrong, if we may be allowed the expression, for we much doubt if there be such a thing as a private wrong, operates upon the public and prejudices the minds of some people to a great extent against the inhabitants of the place where the wrong was committed. Now the

intimacy of relation exists nowhere to greater extent than in our public schools. No patron can withdraw from the school a pupil for any length of time without injuring the interests of his classmates and associates, especially if the pupil is to be returned again to the same school within a few days or during the term, and these temporary withdrawals from school are more injurious when they are the most frequent. Too much cannot be said upon this subject. It is all important to the success of our schools that patrons act in concert with school officers and teachers in securing prompt and punctual attendance at the public schools.

THOROUGHNESS IN TEACHING.—"Not how much, but how well," has been a favorite motto of ours in the school room for several years. The want of thoroughness in studying on the part of the pupil and of illustration and examination on the part of the teacher is a serious evil in our schools. To insure thoroughness on the part of the pupil in all his studies will require the united effort of pupil, teacher and patron. It is almost useless for the teacher to try to secure a perfect understanding in the mind of the pupil, of all his studies, especially in mathematics, if his efforts are not heartily seconded by the patron. If parents will allow pupils to remain at home upon a frivolous excuse whenever they choose to do so, they will frequently avail themselves of this privilege and most generally when the class is passing over some difficult subject that requires extra labor and which the pupil is apprehensive he cannot master to his liking. If he stays away from school until the class has passed over that subject, he can join the class in the next rule, and so he manages to "keep up with the class," and finally gets through the book as soon as any of the class.

THE WORK OF EDUCATION IS PROGRESSIVE.—It consists of a succession of processes, the latter process generally depending upon the former, and hence, if the former lesson was not thoroughly learned, it is almost impossible to comprehend the latter one. It is of the utmost importance that each step should be well and thoroughly learned before passing to the next. A pupil cannot wait until the close of the term and then go back and learn the few lessons he skipped entirely, or passed over lightly, but he must commit them as he goes, for each succeeding step may be, and probably is, the foundation for the next. We have frequently observed the methods of classification practiced, and have found them to vary considerably. Some teachers arrange their classes according to the size of their pupils, others to accommodate the different kinds of text books in use without regard to the former training or advancement of their pupils. We have been amused frequently to see pupils who have been out of school for two whole terms demand that they should be placed in classes with those who were their superiors in study when they were formerly pupils together, and who have not lost a single school day for a year, simply because they were classmates in a former term. And our amusement has culminated in a hearty laugh, when the parents of such pupils second the demands of their children. Such a course would be most certain of injuring a school and destroying the reputation of a teacher, if permitted. A judicious classification is necessary to a system of thorough teaching, and indispensable, not only in arithmetic and grammar and the higher English branches, but in the fundamental branches of an education—reading and spelling. Thoroughness in teaching also depends upon the punctual and constant attendance of all the pupils of a school. Teachers are not as responsible for the advancement of those pupils who are not punctual, as they are for those who are in constant attendance during the whole term.

Some parents are in the habit of requesting of the teacher permission for their children to come home as soon as they are done reciting. This is another fruitful source of annoyance in school. It disturbs the other pupils in his leaving, and creates a discontentedness in the minds of those remaining, while it takes the pupil who is excused from his proper studies, and the consequence is, he does not study as many hours as his schoolmates, and must therefore have less perfect lessons. If parents and patrons of schools would secure the greatest amount of good to their children, they will insist in being prompt in attendance every day of the school if possible, and will not relax their energies there, but watch faithfully the progress their children make each day in their studies.

But one will say, "I have enough to do without watching my children. We hire the teacher to do that work." Now this may be true, but cannot the patrons of our schools do much to strengthen the power and influence the teacher may have over their children for good if they will manifest an interest in the studies of their children, inquire about their progress and proficiency, encourage them to be diligent in their studies and insist upon their children being at school in time, and upon their not remaining at home a single day unless it is absolutely necessary? If such a course is taken by patrons, but little trouble is experienced by competent teachers in getting up an interest in the school, and of making rapid progress in most of the branches taught. While on the other hand, if parents manifest an indifference either by countenancing tardiness and absence from school, or by expressing their disapprobation of the teacher before their children, they weaken, if they do not destroy, the usefulness of the school.

GYMNASTICS.—It is a common thing for pupils in a warm school room to get drowsy and tired, and consequently they wish to walk out into the fresh air and brighten up, preparatory to resuming their task at their desk. But teachers cannot be annoyed with too frequent requests for a "recess," neither can they allow their pupils much time to play at recess, hence the necessity of some exercises in the school room in which all can join, and which will not only relieve the mind from its constant application to study, but will also relieve the body by affording physical exercise. Most teachers in the larger eastern schools

introduce quite successfully a series of physical exercises, exercise of the muscles of the whole system as much as possible, during which exercises the room is well ventilated. These exercises may be introduced once or twice a day at the discretion of the teacher. But we do not wish to be understood as advocating those violent gymnastics practiced by some teachers. Gymnastics in school are good in their proper time and places, but generally in winter time our children who in coming to and going from school have to face the cold storms that sweep across our prairies practice all the gymnastics essential to their physical development. But in summertime when the younger pupils are apt to grow dull in school, some simple exercises requiring the pupils to exercise their hands and feet without their leaving their seats, will, no doubt, prove beneficial.

SCHOOL BUILDINGS.—It is thought by some that any building will answer for a schoolhouse, but with such persons we do not agree. We have before stated in this report, and we repeat the sentiment again, that neighborhoods should not wait until they are able to raise a tax without burden to erect a commodious schoolhouse before they organize and start a school. But this does not imply that we advise using old rotten cabins or some old cast-off dilapidated building, as is sometimes done, for a schoolhouse. Such buildings are altogether unfit for school purposes. An earnest advocate of good school buildings, with pleasant surroundings, says: "It is barely possible that an intellect disciplined and developed in one of our miserable rickety, uncouth school cabins may put on as fair and symmetrical proportions, with habits, tastes and aspirations as exact, critical and lofty as one raised amid healthful, inviting and inspiring surroundings of a model school building, but the probabilities are strongly in favor of dwarfing the intellect, distorting the disposition, and blunting the sensibilities." In these sentiments we heartily concur. The school sites should be suitably selected and pleasantly located, and even if the schoolhouse is to be made of logs, let it be well put up, having proper proportions and finished up in good style; not with costly, fancy trimmings which would make it nearly as expensive as a frame or brick building, but made of logs of even size and length, with a suitable roof and planed seats, with shade trees and a well dug, if possible, giving to the school grounds an air of comfort. Such a schoolhouse will not cost much but labor, and will answer well its designed purpose until a better one can be obtained.

COUNTY SUPERINTENDENTS

Perhaps there is not another person who can and ought to exercise so much influence over the schools of his county, as the person holding the responsible position of county superintendent. His good judgment is called into exercise in districting his county into proper districts, suitable in size and shape; his discretion in recommending and licensing proper persons to teach; his faithfulness by the number of times he visits and the length of time he attends at a school, and his patience when he comes to make his annual report. County superintendents should be "wise as serpents and harmless as doves," in order to accomplish the greatest possible good in visiting their schools. A county superintendent of schools, residing in one of the older states, complains that he cannot do any good by visiting the districts, and states that he saw one of the pupils on a seat without a book; he asked the lad if his father chewed tobacco and received the simple honest answer that he did. Whereupon the superintendent told the lad to tell his father for him to stop chewing for a month, or to chew less and save money enough to purchase him a book. The boy told his father as directed, and the father was justly offended at the superintendent's remark, and yet the superintendent complains that he cannot do good in his visits because people will not heed his advice. Now, in this case, the superintendent was at fault. It was his duty to say or do nothing calculated to give offense, but to encourage teachers, pupils and patrons in the good work, by kind words, if he saw anything to encourage, and to correct their errors by kind and gentlemanly remonstrance if he saw aught that was wrong.

NORMAL SCHOOL

In most of the states normal schools are established by law and supported from the public fund. Their object is the educating of a class of persons for the express purpose of teaching. The utility of these schools is conceded by all, and they are considered as indispensable to the progress of common schools. If these normal schools are so essential in the states where colleges, universities and academies are so numerous, how much more are they needed here at the West in new territories, where few such institutions exist. In New York and other large states, each county has a branch of the normal school, where teachers can receive gratis that peculiar instruction calculated to prepare them especially for the great work of teaching.

It is not so here. We must take teachers as they come from our common schools, and entrust to them the education of our children. How much better would it be for us who reside in the territories, for future generations to come and for the nation at large, if each territory was provided with a normal school for the training of its teachers. Who could calculate the untold benefits that would result from such an institution? The general government, often liberal in expenditures for the benefit of the territories, has made a wide distinction between the states and territories in granting donations of public lands for school

purposes. Large tracts of lands have been donated to every state that would accept them upon the conditions named by Congress, while the territories have been excluded from such benefits.

It would seem proper that the general government should appropriate a quantity of land in each territory for the purpose of supporting a normal school. If, as it is generally admitted, intelligent citizens increase the wealth and power of a nation, is it not the duty of Congress to assist in providing some suitable school for the education of teachers in the territories? As Congress will probably pass a law providing for a national bureau of education, it would doubtless be well to memorialize Congress on the subject, and ask that the territories may be included in its provisions, and also asking that a grant of land be made within each territory for the support of a normal school in each territory.

CONCLUSION

The language of the present school law is so indefinite that it does not appear distinctly whether county superintendents are to be elected for one or two years. Some of the counties have elected superintendents annually, while others contend the election is for two years. I would recommend the law be amended so as to require county superintendents of schools to be elected once in two years and at the same time and in the same manner as other county officers.

The per diem of the superintendent of public instruction is inadequate to furnish any reasonable compensation for the labor performed, as it requires a sum equal to his per diem to pay his traveling expenses. It is not to be presumed that officers will take any extra pains to perform well any duties required of them for which they receive no compensation. If the system of supervision and visiting is not to be abandoned, as of course it ought not to be, I would recommend that the law be changed so as to allow the superintendent of public instruction, in addition to his per diem, traveling expenses not to exceed two dollars per day for the time actually engaged in visiting schools.

I am happy to be able to say that there are gratifying evidences in our communities of an increased and growing interest in our common schools, and the time is near at hand when our public schools will be, if properly sustained, what they ought to be—the pride of our citizens. We are pleased to see an interest manifested by all classes in supporting good schools in every neighborhood. It is a mistaken notion that some business men seem to have that our schools are philanthropic institutions which should be given over into the charge of those who habitually labor for the good of the public. This feeling, I am glad to say, does not exist in our territory to any extent, but all classes are alike in earnest in support of our schools. If this sympathy for the cause of education shall continue, it will not be long before the character of our schools will be elevated to their proper sphere and become entitled to the respect and admiration of our people.

Allow me in concluding this report to express a hope that the coming year will be one of prosperity to our schools and that we may be more successful in obtaining a thorough and complete statistical report.

Respectfully submitted,

JAMES S. FOSTER,
Superintendent of Public Instruction.

FOUNDING A CONGREGATIONAL CHURCH

Rev. E. W. Cook, of Ripon, Wisconsin, a clergyman of the Congregational Church, came to Yankton in March, 1868, and took charge of the affairs of that denomination, organizing a church association. His first sermon was delivered at the Episcopal Church building, which had not yet been dedicated, on Sunday, March 29th. Mr. Cook was an elderly gentleman of prepossessing appearance and manners, and an earnest worker, but owing to his advanced years he was not fitted for the arduous task imposed upon the pioneer clergyman. In the fall Mr. Cook, who had resigned, returned East, and his place was filled by a young man, Rev. Joseph Ward, of Providence, Rhode Island, who reached Yankton November 17, 1868. This young minister, as will be learned from his subsequent career in Dakota and Yankton, proved to be the right man for the place.

The first practical and organized effort toward erecting a Congregational Church building in Yankton was the forming of the "Ladies' Sociable" on January 13, 1869, at the home of Mrs. A. G. Fuller, when that lady was elected president of the society; Mrs. Joseph Ward and Miss Etta Faulk, vice presidents; Mrs. James S. Foster, secretary, and Mrs. I. N. Higbee, treasurer. The society was to hold weekly meetings, furnish refreshments and musical entertainment; and also hold festivals and fairs, for the purpose of raising a church

building fund. Preceding this organization the ladies of this denomination had held a concert and festival at the hall in Fuller's block, December 18, 1868, during the session of the Legislature, from which was realized the sum of \$190 net. Encouraged by this success, the society was soon formed, and on the evening of December 21, 1869, the society gave a fair and festival at the St. Charles Hotel, from which they realized the sum of \$300. These moneys were also applied to the building fund.

It may be well here to state that prior to anything above related, and some time before the organization of the Ladies' Aid Society or "Ladies' Sociable," it was claimed that Mrs. C. N. Wheeler, a sister of W. W. Brookings, and a lady missionary in Turkey at that time, wrote to her brother, Mr. Brookings, in Yankton, urging the formation of a church society here and the building of a church edifice. Mr. Brookings then wrote to the church dignitaries of New York, and the result was that Reverend Mr. Cook was sent out to gather the Congregational children into one fold, they having strayed into the Episcopal fold in large numbers. Mr. Cook organized a church society at once and led it on until November, when he relinquished it to the Rev. Joseph Ward, of Andover.

The new Congregational Church, with Rev. Joseph Ward, pastor, though not fully completed, was sufficiently advanced to permit its occupation for divine service on Sunday, January 9, 1870. Some statements were made at this first service showing the efforts that had been required to secure the funds to erect this first Congregational Church edifice, among the most important, that the ladies of the Congregational Society had, by three entertainments, called "fairs," or "festivals," raised over \$1,000 and paid it over to the building committee during the year 1869. The pastor, who had worked zealously to secure the erection of the structure, stated that all the credit for success was due to the "noble band of ladies." On the 12th of January this noble band of ladies held their annual meeting at the residence of Mrs. M. M. Matthiesen, and elected the following officers: Mrs. A. G. Fuller, president; Mrs. Ephraim Miner and Mrs. J. B. S. Todd, vice presidents; Mrs. James S. Foster, secretary; Mrs. M. M. Matthiesen, treasurer, and Mrs. Joseph Ward, Mrs. William Tripp, Mrs. G. P. Waldron, Mrs. F. J. DeWitt, Miss Etta Faulk, Mrs. C. H. McIntyre and Mrs. I. N. Higbee, directors.

The church building was finally completed early in July, 1870, and the ceremony of dedication occurred on Sunday, July 17th. As a token of respect to the Congregational people and Reverend Mr. Ward, the other denominations refrained from holding morning services on this occasion, and the church-going people all flocked to the new structure, not only filling it full and running over, but providing an overflow congregation outside more numerous than those who were crowded into the interior. At the conclusion of the imposing services Mr. Ward stated that the church had an indebtedness on the building unpaid amounting to \$1,321. This amount was subscribed then and there; and in addition Joel A. Potter and Enos Stutsman gave \$225 for the purchase of a bell.

THE CATHOLIC ORGANIZATION

Steps were taken in June, 1875, by the Catholic congregation of Yankton, represented by James Crowe, Robert O'Neil, William Gemmill, M. Goodin and James J. Griffin, for the procuring of lots and the erection of a church edifice at Yankton. Rev. Ferdinand Lechleitner was placed in charge of the Catholic Church organization at Yankton in 1870, and became the first settled pastor of that denomination in the territory. A site for a church edifice was selected in November, and other steps taken to construct the building. The site was two lots on Capital Street, northwest corner of Fifth Street. The Right Reverend Doctor O'Gorman (no connection of the present bishop of South Dakota), bishop of Nebraska, who had been dedicating a new Catholic church in St.

Helena, Nebraska, visited Yankton in August, 1870, to investigate the spiritual needs of the Catholics of Yankton County.

The first edifice erected in Dakota by the Catholics in which to conduct divine service was a chalkstone structure built on the corner of Capital and Eighth streets in Yankton, in 1871. It was not designed for a church edifice, but was built for the purpose of a residence for the priest, Rev. E. Sommereisen, and also to accommodate church services until a church building could be constructed, which it was then intended should join the residence building on the north.

A new Catholic mission was established at Grand River Indian agency, in April, 1871, under the supervision of Reverend Father Lechtenheiner, of Yankton, who had made a winter tour to various frontier posts and agencies in the upper river country, for the purpose of selecting the most advantageous place for the establishment of a central missionary station.

DAKOTA'S WAR EQUIPMENT

First Report of the Adjutant General

To His Excellency, A. J. Faulk, Governor.

Sir: I have the honor to submit to your excellency this, my first annual report of all matters coming within this department for the year 1867, as required by law, showing the various organizations furnished by the territory since the commencement of my term of office, and exhibiting the transactions as much in detail as may be necessary for public information.

In response to an unexpected appointment, I entered on the duties of this office on the 14th day of March last. On the 11th day of the same month, your excellency made a requisition upon the secretary of war for 1,000 stand of Smith's carbines and 100,000 rounds of carbine ammunition for the use of this territory, under the law of Congress, approved April 7, 1866, and chargeable to the territory on account of its quota now due or to become due, under the act of Congress approved April 23, 1868, for arming and equipping the militia. On the 15th of the same month, a requisition was made by your honor for 400 cavalry saddles, 400 curb bridles, 100 army revolvers, and 10,000 rounds of revolver and carbine ammunition, under the law of Congress approved April 23, 1868, and were duly received by me on the 14th and 21st days of May last.

The arms and other stores so furnished to the territory amount to \$38,625, from which being deducted \$11,083.91 now credited to the territory under the law of 1868, it is now in excess of its quota to the amount of \$27,541.09, to be charged against the quota of the territory to become due under the law of Congress approved April 23, 1868.

In response to your suggestions to the sixth annual session of the Legislative Assembly of the Territory of Dakota, and to the proclamation of the 13th day of April, 1867, by Hon. S. L. Spink, as acting governor, calling upon the people to organize into companies for home protection against a threatened invasion of the hostile Indians, the following companies were organized, as follows:

COMPANY A, BON HOMME COUNTY

RANK	OFFICERS	COMMISSIONED	STRENGTH
Captain.....	W. A. Burleigh.....	June 15th	52
First lieutenant.....	Nathan W. Daniels.....	June 15th	
Second lieutenant...	Geo. W. Owens.....	June 15th	

COMPANY B, CLAY COUNTY

RANK	OFFICERS	COMMISSIONED	STRENGTH
Captain.....	Nelson Miner	June 23d	100
First lieutenant.....	Franklin Denison	June 22d	
Second lieutenant...	John L. Jolley.....	June 22d	

COMPANY C, YANKTON COUNTY

RANK	OFFICERS	COMMISSIONED	STRENGTH
Captain.....	Geo. A. McLeod.....	June 25th	90
First lieutenant.....	A. M. English.....	June 25th	
Second lieutenant...	C. B. Wing.....	June 25th	

COMPANY D, YANKTON COUNTY

RANK	OFFICERS	COMMISSIONED	STRENGTH
Captain.....	C. W. Batchelder.....	July 2d	60
First lieutenant.....	N. H. Smith.....	July 2d	
Second lieutenant....	C. H. Brured.....	July 2d	

COMPANY E, TODD COUNTY

RANK	OFFICERS	COMMISSIONED	STRENGTH
Captain.....	J. A. Lewis.....	July 30th	30
First lieutenant.....	Fred W. Edgar.....	July 30th	
Second lieutenant....	John Collins	July 30th	

COMPANY F, YANKTON COUNTY

RANK	OFFICERS	COMMISSIONED	STRENGTH
Captain.....	W. W. Benedict.....	July 6th	41
First lieutenant.....	C. G. Irish.....	July 6th	
Second lieutenant....	W. Leaning	July 6th	

COMPANY G, UNION COUNTY

RANK	OFFICERS	COMMISSIONED	STRENGTH
Captain.....	Harvey Fairchild	July 20th	85
First lieutenant			
Second lieutenant			

COMPANY H, UNION COUNTY

RANK	OFFICERS	COMMISSIONED	STRENGTH
Captain.....	Thomas C. Watson.....	July 20th	80
First lieutenant.....	W. H. H. Fate.....	July 20th	
Second lieutenant....	H. J. Corkendall.....	July 20th	

These companies comprise in the aggregate 538 men, all of whom, with the exception of Company E, have received the necessary amount of arms, ammunition and equipment, according to the strength of each company. The following officers were also appointed, who, with the governor, comprise the present roster of the Dakota Militia: Governor and commander-in-chief, A. J. Faulk; adjutant general, James L. Kelley; quartermaster general, B. M. Mills, brigadier general; paymaster general, John L. Jolley, colonel; aide-de-camp to the governor, John Lawrence, colonel.

Inventory of arms, ammunition and horse equipments on hand May 21, 1867, the number issued to organized companies, and the number remaining on hand December 1, 1867:

Smith's carbines—On hand May 21st, 1,000; number issued, 525; on hand December 1st, 475. Revolvers—On hand May 21st, 100; issued, 95; remaining December 1st, 5. Carbine ammunition—Number of rounds on hand May 21, 1867, 100,000; number issued, 39,000; remaining on hand December 1st, 61,000. Revolver ammunition—On hand May 21st, 10,000; issued, 8,000; remaining, 2,000. Horse equipments—Cavalry saddles, on hand May 21st, 400; issued, 395; remaining, 5. Curb bridles—On hand May 21st, 400; issued, 395; on hand, 5.

The arms and ammunition remaining on hand are without a suitable building for their safekeeping, and I most respectfully recommend to your excellency the propriety of the Legislature appropriating a small annual amount sufficient to defray the expense of storing the same, or to erect a building for that purpose.

The arms and ammunition (twenty-nine tons, including two six-pounder brass field pieces) that were shipped from the St. Louis arsenal by the Government to this territory, and were received and receipted for by Governor Jayne, in the month of November, 1862, a portion of which are still in the hands of the disbanded militia throughout the territory, and can be collected by order at any time.

In the month of December, 1862, a large portion of this '62 shipment was in store at Yankton and Vermillion, including fifteen boxes of shot and shell, 120 Prussian muskets and 60,000 rounds of musket ammunition, since which time all the ammunition and the greater portion of the arms have been lost or destroyed for want of some suitable place to store them. The two brass field pieces, one at Yankton and one at Vermillion, are standing out exposed to the weather, and unless something is done by which they can be collected together and stored in some suitable place, they will in a short time be unserviceable.

Since the organization of Company B, John L. Jolley, who was elected second lieutenant of said company, has been appointed and commissioned by your excellency paymaster general with the rank of colonel.

I have the honor to be, very respectfully,

Your obedient servant,

J. L. KELLY, Adjutant General, Dakota Territory.

HISTORY OF DAKOTA TERRITORY

TERRITORIAL AUDITOR'S REPORT

Territorial Auditor's Office,

Yankton, Dakota Territory, December 4, 1867.

To the Honorable Members of the Council and House of Representatives:

Gentlemen: I have the honor to present this, my first annual report as territorial auditor, showing the amount of claims presented to and audited by this office against the territory since the 1st of January, 1867, giving also the date, amount and number of each warrant, to whom issued, for what issued, amount audited. In submitting this report, I respectfully beg leave to recommend to the Legislature the propriety of changing the time for receiving the annual reports of territorial auditor and treasurer from the third day of each session, as now provided by law, until the last week in December, by which time the reports of these officers would be able to show to the Legislature the condition of the territorial finances at the close of the year, after all the organized counties shall have reported to the auditor and treasurer.

The following is an exhibit of the proceedings of this office from January 1, 1867, up to the present time, December 4, 1867:

Number of warrants issued, 22:

Chas. F. Rossteuscher, appearing before legislative committee, \$14; Jas. S. Foster, services as superintendent public instruction, \$20; I. T. Gore, services as territorial treasurer, 1865-66, \$50; John Thompson, transportation on books for territorial library, \$7; Jas. A. Hand, blank books for auditor's office, \$2; L. Case, services as engrossing and enrolling clerk, Council, \$40; Geo. W. Kingsbury, printing of territorial warrants and report of superintendent public instruction, \$25; M. K. Armstrong, blank book for treasurer's office, \$2; John Bradford, bringing election returns from Union County, \$10.40; S. L. Spink, advanced charges on law books, \$20; I. T. Gore, salary as auditor from January 1 to March 31, 1867, \$12.50; N. Edmunds, services on board of education, \$6; S. L. Spink, services on board of education, \$6; M. K. Armstrong, salary as treasurer from January 1 to July 1, 1867, \$12.50; Geo. Stickney, furnishing abstract of entered lands throughout the territory, \$20; Geo. W. Kingsbury, printing school blanks, \$44; I. T. Gore, salary as auditor from April 1 to July 1, 1867, \$12.50; J. L. Kelly, cash advanced in handling arms and ammunition for the territory, \$29.25; John Thompson, transportation on books for territorial library, \$2.35; I. T. Gore, salary as auditor, July 1 to September 30, 1867, \$12.50; M. K. Armstrong, salary as treasurer, April 1st to July 1st, \$12.50; M. K. Armstrong, salary as treasurer from July 1st to September 30th, \$12.50.

Total amount of claims presented, \$374.60. Amount audited and warrants issued, \$372.60.

Respectfully submitted,

I. T. GORE, Territorial Auditor.

TERRITORIAL TREASURER'S REPORT

Territorial Treasurer's Office,

Yankton, Dakota Territory, December 3, 1867.

To the Honorable Members of the House of Representatives:

Gentlemen: I have the honor to present herewith my first annual report as territorial treasurer, showing the receipts and disbursements of this office and the present condition of the finances of the territory. By the provisions of the revenue law of the territory it is made the duty of the county treasurer of each organized county to make report to this office and pay into the territorial treasury the proportion of territorial tax collected and due the territory from each respective county, on or before the 1st day of January in each year. The full extent of time allowed not having yet expired, the counties of Todd, Pembina and Laramie do not appear in this report, no return having been received from these counties. The counties of Pembina and Laramie, organized by the last Legislature, being so new and remote could hardly be expected to complete the assessment and collection of taxes during the present year. The act of last session creating the County of Pembina not providing for any officer than one to administer oaths to the county officers appointed in pursuance with said act, and the only person in said county authorized to administer oaths being absent, the county was not fully organized until August, and therefore too late for an assessment and collection of taxes to be reported to this office during the present session of the Legislature. The County of Todd has been notified by me and is expected to report by the 1st of January. The present report of this office does not include warrants issued prior to the year 1865, all of which by an act passed in that year were debarred from payment until such time as the condition of the treasury would warrant the liquidation of the same by special act of the Legislature. The amount of said suspended outstanding warrants does not exceed in the aggregate five hundred dollars, and it remains for the present Legislature to take such action in the matter as to them may seem best.

The following is an exhibit of the territorial finances since my assuming the duties of this office on the 1st of January, 1867:

RECEIPTS

Yankton County	
January 28, 1867, of A. G. Fuller, county treasurer.....	\$ 60.00
February 25th	50.00
June 7th	44.00
	<hr/> \$154.00
Union County	
January 1, of I. T. Gore, former treasurer.....	\$ 60.00
February 1, of Wm. Searles, treasurer of county.....	92.50
	<hr/> \$152.50
Clay County	
January 5th, of Olle Bottolfson, county treasurer.....	\$ 49.82
Charles Mix County	
December 3d, of treasurer.....	\$ 20.17
Bon Homme County	
December 3d, of Benton Fraley, treasurer.....	\$ 10.00
Total receipts	\$380.49
Todd, Pembina and Laramie counties not reporting.	
The treasurer's table of disbursements corresponds precisely with the auditor's statement of warrants issued.	
Total receipts since January 1, 1867.....	\$380.49
Total disbursements	357.75
	<hr/>
Balance in treasury	\$ 28.74
Outstanding warrants Nos 18 and 21.....	14.85
	<hr/>
Balance in treasury above all outstanding indebtedness.....	\$ 13.89
Respectfully submitted,	
M. K. ARMSTRONG, Territorial Treasurer.	

One of the earliest measures introduced at this session was a bill by G. C. Moody, providing for striking the word "white" from the election law of Dakota Territory. It passed both houses without a dissenting voice, was signed by the governor, and the negro was enfranchised if he had a home on Dakota soil.

LARAMIE COUNTY

The question of representation for Laramie County, Dakota (now Wyoming), and a more important one of providing legal tribunals for that section of Dakota, was possibly the most important and pressing question before this Legislative Assembly. The building of the Union Pacific Railway had induced a very large immigration thither, and the employes on the railroad numbered many thousand, while numerous populous towns had sprung up along the line, that of Cheyenne having a population of from three thousand to four thousand. The last Legislature of 1866-67 had passed a bill to establish the County of Laramie, but it appears that no steps had been taken to organize the county in the meantime. A provisional government had been organized by the people at Cheyenne for the purpose of holding in check the lawless elements, and courts were established by general consent, having jurisdiction in civil and criminal cases. The police court of Cheyenne had jurisdiction when the amount in controversy did not exceed two thousand dollars; and a superior court was established with appellate powers and had jurisdiction in matters of law and equity above two thousand dollars. The courts were entirely without legal authority, but managed to keep order and were busy adjudicating lawsuits. In the latter part of October, 1867, a "people's election" was held to elect a full set of county officers, and 2,200 votes were polled. The election was without authority of law, but the persons elected assumed their official stations and discharged the duties thereto appertaining.

A member of the House of Representatives of the Territory of Dakota was also chosen at this election, Mr. J. R. Whitehead, who presented his credentials

to the House on the thirty-fourth day of the session and within six days of the end of the session. His seat, however, was contested by A. G. Turner, of South Pass City, whose credentials had been presented before. These Turner credentials consisted of the proceedings of a meeting held at South Pass City, Dakota, and set forth that at a meeting of the citizens of South Pass City, held November 13, 1867, J. S. Lowry was made president and W. M. Pembleton, secretary, and that A. G. Turner was duly elected as representative to the Territorial Legislature for the session of 1867-68 from the County of Carter. Mr. Turner had been present at the Legislature since its opening, awaiting the arrival of Mr. Whitehead, whose name had been placed on the roll of members. Mr. Whitehead's credentials were as follows:

Whereas, At an election holden in the County of Laramie, in the Territory of Dakota, on the 8th day of October, A. D. 1867, duly called by general notice given by the undersigned, appointed for that purpose at a mass meeting of the citizens of said county, James R. Whitehead, being a candidate for the office of representative in the Territorial Legislature of Dakota, received 1,320 votes, M. S. Hurd for same office received 709 votes and M. L. Hall received 91 votes;

Therefore, This is to certify that James R. Whitehead, having received a large majority of the votes polled at said election, was duly elected to the office of representative as aforesaid.

Witness our hands and seals this 28th day of October, 1867.

W. S. KUYKENDALL,
THOS. J. STREET,
LUCIEN L. BEDELL,
Commissioners of Election.

The credentials of Mr. Whitehead were referred to a committee of one from each county. On the thirty-sixth day a majority of the committee reported in favor of admitting Mr. Whitehead. Mr. Moody, from the minority, reported adversely to Whitehead and favorably to Turner. Both reports held that neither party could legally claim the seat, as the law governing elections had not been complied with in either case; but because of the important interests involved affecting so large a number of Dakota's citizens, it was conceded that the community should be represented. Moody contended that Turner had the best record; that he presented himself at the opening of the session and had patiently waited for the coming of Mr. Whitehead and the action of the House. Moody contended that Mr. Whitehead's large vote was cast by persons only temporarily in Dakota engaged in building the Union Pacific Railroad, and were not bona fide residents of the territory; further, a petition had been presented to the House signed by a large number of the business men of Laramie County, requesting that Whitehead be not given the seat. The result was that the House decided in favor of the minority report, and Mr. Turner was admitted and took the oath and his seat.

During the session Mr. Turner had been an industrious lobby member and had secured some needed legislation for his constituents.

A new county, called Carter, was established, and Laramie and Carter counties were constituted a part of the Second Judicial District and provided with a term of court; also an act to legalize the acts of the city clerk at Laramie City, and the acts of the register of deeds of Laramie county, and a number of memorials.

Congress at this session, 1866-67, passed an act organizing the Territory of Wyoming, which embraced the counties of Carter and Laramie, but the act was not to become operative until the officers of the territory were appointed and confirmed as required by law. This provision occasioned over a year's delay in organizing the territory, as the Senate would decline to confirm President Johnson's appointments, and Johnson's term would not expire until March 4, 1869. In the meantime Laramie and Carter counties were organized and conducted their affairs under the laws of Dakota.

The Legislature closed its labors on the 11th of January, 1868. The session had been characterized by an earnest attention to duty and a friendly disposition was manifested among the members.

The committee appointed early in the session to report on the agricultural and mineral resources of the territory submitted an exhaustive report at the close of the session, covering every section of the territory that had been at all explored or surveyed and including the Black Hills. It was designed for the information of the eastern people who were considering removing to the newer sections of the West, and the entire territory was in some sort represented in the document from the international boundary to the Missouri.

At this session of the Legislature, among the laws enacted and memorials passed were the following. It will be noted that the Red River region was an applicant for many governmental favors, and that Mr. Stutsman represented that county. The people up there were preparing for an era of growth and prosperity:

An act to organize the County of Lincoln; to divide Union County into townships; to organize Minnehaha County; conferring citizenship on certain Red River half-breeds; to regulate the sale of spirituous liquors; a memorial urging the creation and organization of the Territory of Wyoming out of the southwestern portion of the Territory of Dakota; a memorial asking the creation and organization of the Territory of Lincoln out of the northern half of Dakota Territory; an act to strike the word "white" out of the election and school laws of the Territory of Dakota; to incorporate the City of Cheyenne; to create and organize the County of Carter; to provide for the incorporation of towns; to provide a common school law; a general incorporation law; important amendments were made to the codes; an act constituting Carter and Laramie counties a part of the Second Judicial District and providing for holding term of court therein; to enforce mechanics' liens; to create the Ninth Representative District; to provide that exemption laws shall apply only to residents.

A memorial to Congress for a United States land office at Pembina; a memorial for a mail route from Fort Totten to St. Joseph; a memorial to Congress relative to surveying land on the Red River of the North; a memorial to the President for the removal of the Chippewa Indians from the Red River; a memorial to Congress for the construction of a wagon road from Fort Abercrombie down the Red River; a memorial to Congress asking for the construction of a military post on the Pembina River.

LINCOLN COUNTY

The County of Lincoln, on the Big Sioux River, was established and its boundaries defined by the Legislature of March, 1862 the first session but no attempt at organization appears to have been made until 1868, Indian troubles being the main cause of hindering its occupation by white people. Its original boundaries, defined by the act of April 5, 1862, were thus set forth:

Beginning at the southeast corner of township 94, north of range 48 west; thence west to the southwest corner of township 94, north of range 50 west; thence north to the southwest corner of township 96, north of range 50 west; thence west to the southwest corner of township 96, north of range 53 west; thence north to the northwest corner of township 100, north of range 53 west; thence due east to the Big Sioux River; thence south along said river to the place of beginning.

Under these boundaries Lincoln County occupied the northern tier of townships now in Union County, then called Cole, and extended west, taking in the two eastern tiers of townships afterwards included in the present County of Turner. No organization was had, however, under these boundaries, but the

Legislature of 1867-68 passed a new act, giving the county new boundaries and appointing its officers as follows:

All that portion of the Territory of Dakota embraced within the following described boundaries shall be known as the County of Lincoln, to wit: Commencing at a point on the Big Sioux River at the northeast corner of Union County, it being the northeast corner of township 95 north; thence west to the southwest corner of township 96, north of range 53 west; thence north to the northwest corner of township 100, north of range 53 west; thence east to the Big Sioux River; thence down and along the course of said river to the place of beginning. The county seat of said county to be at Canton, on the southeast quarter of the southeast quarter of section 14, township 98, north of range 49 west. And that until the next ensuing general election the following named persons be appointed officers of said county, to wit:

County commissioners, Augustus J. Linderman, H. P. Hyde and Benjamin Hill; sheriff, C. H. Smith or South; probate judge and county treasurer, J. Q. Fitzgerald; register of deeds, William Hill; justices of the peace, W. Hyde and W. S. Smith; constable, James Weekly; coroner, Joseph Weekly.

And that the said officers be empowered to discharge all the duties pertaining to their several offices; Provided, that the said County of Lincoln shall remain, as now, attached to Union County for representative and judicial purposes.

This act was approved December 30, 1867.

Concerning the pioneers, a settlement had been made on the future site of Canton as early as 1864, by H. P. Hyde and his son Henry, who built a cabin but did not remain, probably leaving their exposed situation during the Little Crow Indian hostilities of 1862. During the intervening four or five years, during which the Big Sioux Valley appears to have been avoided by immigration, there was considerable travel through the county, particularly after the establishment of Fort Dakota at Sioux Falls; but the first permanent settlements are claimed to have been made in 1866, by A. B. Wheelock and others near the point later known as Eden, and by T. M. and John Sargent, A. J. Linderman and others, between what was called the Big Timber and Canton. Following these came a large number of German and Norwegian farmers. At Canton (then called Lincoln) and vicinity the first settlers came in 1867, J. Q. Fitzgerald, William Hyde, Josiah Weekly and W. S. Smith, with their wives and children, being the first. William M. Cuppett also came during the same year. These parties all took claims, and the following spring were joined by George T. Rea, John A. Hewitt and others. A number of the claims taken at this time covered a portion of the future townsite of Canton. There was no small contention over the precise locality where the county seat should be located, and while all were agreed that it should be at Canton, the question, as the matter first to be settled, was as to the townsite. This was finally arranged by a compromise of the claim holders directly interested, who joined together and entered a tract of 160 acres as a townsite under the federal townsite law. These parties were William M. Cuppett, Thomas Sargent, Fred Reidle, W. S. Smith, John N. Hewitt and George T. Rea.

Strolling bands of professedly friendly Indians annoyed these early settlers, more by their presence in the vicinity than by any depredations committed.

The Indians had never entirely abandoned that portion of the Sioux Valley or that to the north, and as no whites had settled in the country during the Indian troubles of 1862 and later, the red men had been unnoticed and pursued their fishing and trapping unmolested. As the whites came in the Indians were required to withdraw and remain on their reservations. The apprehension of danger from this source was, however, sufficiently deep-seated to lead the first mercantile firm of Canton—Cuppett, Rea & Hewitt—to erect their store building, in 1868, in the form of a fort, sufficiently large to accommodate their business and provide accommodations for thirty or forty people then in the county. No Indians troubled them, though the store-fort undoubtedly assisted in keeping the peace. The Indians of that day had great respect for a fort of any kind, and seldom molested one. The fact that there was a military post at Sioux Falls was, as is usually the case, an encouragement for Indians to domicile in

the neighborhood, if disposed to be friendly, as they usually were under such circumstances. Frontier post authorities usually treated strolling Indians generously in times of comparative peace, and they were partially subsisted by occasional donations of hardtack and bacon from the forts' abundant store whenever they applied.

It was claimed that there was hardly an acre of land in Lincoln County that could not be cultivated with profit. The first postoffice was opened at Canton in July, and Benjamin Hill was the postmaster. A clergyman from Beloit, Iowa, the town on the east bank of the Sioux, opposite Canton, performed the first marriage ceremony in the county on the 13th of October, 1868, when Jon Hanson and Miss Siren Louise Bille were married. An infant son of Mr. Jacob Sorter died in October, which was the first death in the county. Benjamin Hill opened a hotel in Canton in the summer of 1868, which was the first. In the early part of 1868 about twenty families of Scandinavians came in from Iowa and took up land, and built a church the same year costing about eight hundred dollars. A. B. Wheelock, Daniel McLaren and William Craig settled south of Canton, near Eden.

Minnehaha and Lincoln counties, with Brookings and Deuel counties, constituted the Ninth Representative District by the apportionment act of 1867-68, and a convention was held at the Town of Canton, in Lincoln County, September 12, 1868, for the purpose of nominating a candidate for this office. It was a republican convention and was held at the store of William M. Cuppett & Co. The convention was called to order by J. Q. Fitzgerald, of Lincoln. John Nelson, of Minnehaha, was elected president, and William M. Cuppett, secretary of the convention. J. Q. Fitzgerald, of Lincoln, was nominated for representative, when the dual county convention adjourned and the delegates from Lincoln met and nominated the following candidates for county offices: Register of deeds, William M. Cuppett; sheriff, Charles A. South; probate judge, S. C. Lashley; attorney, F. Qua; coroner, Isaac Newton; superintendent of schools, George T. Rea; county commissioners, C. Sogn, Thomas M. Sargent, William Peters; surveyor, B. F. Hill; justices of the peace, T. Brindleon, B. F. McVay; constables, Jacob Holter, Henry Hyde. At the election held in October following, there were sixteen votes polled in Lincoln County, and fourteen in Minnehaha. Fitzgerald was elected representative, and the ticket for county officers of Lincoln County, named above, was unanimously chosen.

The principal streams in the county are Beaver Creek and its two branches, the South Branch and the Little Beaver, while the parent stream, entering the county near the northwest corner and coursing entirely across it, finds an outlet in the Big Sioux a few miles below Canton. Saddle Creek is also an excellent stream which rises near the eastern border and joins with Long Creek in the western part of the county. Pattee and Lincoln creeks are also two considerable streams. It is claimed that there is barely an acre of land in the county that cannot be successfully cultivated, but this statement may be confidently made concerning more than nine-tenths of the territory, with the exception of the limited mountainous and valuable mineral portions.

The first newspaper to be established in the county was the Sioux Valley News, by R. H. Miller, with material furnished from the Union and Dakotian office in Yankton. Mr. Miller was soon succeeded by Mr. Arthur Linn, of Yankton, who had been publishing the Union and Dakotian at Yankton prior to its consolidation with the Yankton Press.

The Town of Canton had become a business village in 1871. Goetz & Thorson, W. E. Givens and Lashley & Russell were merchants; Mr. Crane, lumberman; Carpenter & Nelson, grist mill; Mr. Guteknust, boot and shoe dealer; John H. Holsey, department store; Mr. Garrettson, merchant; William M. Cuppett, postmaster; John Falde, real estate dealer; Simon Myers, blacksmith; Frank A. Van Vlaett, North Star Hotel, and I. N. Martin, Martin House. Physician, Dr. J. C. Reynolds, and school teacher, O. E. Rea.

CHAPTER XLII

FIVE CANDIDATES FOR DELEGATE

1868

JOHNSON VERSUS CONGRESS, THE ISSUE—GENERAL GRANT NOMINATED BY THE CONGRESS PARTY—HORATIO SEYMOUR NAMED BY THE DEMOCRATS—THE PROCEDURE OF RECONSTRUCTING THE SECEDED STATES—JEFFERSON DAVIS RELEASED ON BAIL—IMPEACHMENT OF PRESIDENT JOHNSON—THE TRIAL AND ACQUITTAL—POLITICS IN DAKOTA—FIVE CANDIDATES FOR DELEGATE TO CONGRESS—SOLOMON L. SPINK ELECTED—DEMOCRATS ADOPT THEIR HISTORICAL NAME IN DAKOTA—GRANT AND COLFAX WIN—FIRST DEMOCRATIC NEWSPAPER—GEORGE BROWN A PIONEER STEAMBOAT MAN—BUFFALO DIMINISHING—GEORGE M. PINNEY KILLS EX-GOVERNOR BEALL IN MONTANA—ORIGIN OF DECORATION DAY—A REMARKABLE STORM IN MAY.

The year 1868 brought with it one of the most important and exciting political campaigns the country had ever experienced. The question of the reconstruction of the rebellious states that had passed ordinances of secession and cast their lot with the Southern Confederacy, was the great issue. President Johnson's policy was sustained by the democratic party and included the leading ex-confederates, though the political disabilities of the latter class had not as yet been restored to them and hence they were not voters, and the great majority of the white population of the South also adhered to Johnson.

The congressional policy, which was now openly supported by the republican party, was very popular all through the northern states. The difference in these two policies was one that men might be expected to differ upon, though the result of the war had forever, and negatively, settled the question of secession. It had been held by the Federal Government all through the war that a state had no power to secede—that such an act was not only clearly unconstitutional, but if acquiesced in by the Federal Government would destroy the Union—in short, that the Union was already dissolved if these states had a lawful and constitutional right to secede. Johnson's policy took the ground that the seceding states had not been out of the Union. That their people had appealed to the arbitrament of arms and had been defeated and had surrendered, and were again citizens of the United States and citizens of their several states, or could be made so by a proclamation of amnesty—that they might be punished for treason in levying war against the United States; but the number of the offenders was so vast that to pass upon their offenses by the courts was out of the question, nor was it demanded by the loyal people of the country except in the case of some of the leaders and fomenters of the secession movement; for it was well understood that secession had not been heartily supported by the people of the South before the war. Those who had held civil positions under the Confederate Government and those who had voluntarily borne arms in its behalf, were disfranchised, or rather had forfeited their citizenship, and required the restorative effect of an amnesty law or proclamation of the president to restore them to citizenship. President Johnson had favored this amnesty on the ground that these white people of the South were better qualified at that time for citizenship than the millions of colored men who had just been emancipated

from slavery. It was claimed that the president was carrying out the policy which Lincoln had decided upon, and what gave important support to this claim was the fact that Secretary of State Seward, who was Lincoln's closest advisor, remained at the head of Johnson's cabinet and was a supporter of his restoration policy. Mr. Johnson's plan was to reclothe the white people of the South, save a number who had held high and influential positions in the Confederacy, with citizenship, and have them, with the blacks, go at it and restore the state governments, which at this time were under martial law and governed by army officers. The Johnson plan was to "restore"—the congressional plan to "reconstruct."

The congressional policy assumed that the acts of secession and the war had deprived the secessionists of all their civil rights under the Federal Constitution, and had destroyed the constitutions and civil governments of the seceding states, but that the soil of the states—the territory, had not been affected by the treason of the people and had all along been within the Union and under the jurisdiction of the United States Government. Congress proposed that all who had voluntarily borne arms against the United States and all officers of the Confederate civil service should be excluded from the franchise in the initial work of reconstruction.

The millions of emancipated slaves, who constituted a large proportion of the people of the South, and whose transformation from the condition of chattel slavery to that of freemen and citizens, had introduced a new and most momentous problem into this question of reconstruction or restoration. The slaves had been friendly to the Federal Government all through the war. A number of negro regiments had been enlisted in the Union army, composed largely of escaped slaves, who rendered good service. The negroes recognized that the war meant everything to them, though nothing definite looking to their emancipation had been considered by the Federal Government for more than two years after the war broke out. The first decisive step in this direction was taken by Benjamin F. Butler, major general, who declared that escaped slaves coming into the Union lines were "contraband of war," and were confiscated; but as the United States couldn't hold them as slaves they became freemen.

Mr. Johnson's policy, it was claimed, would have surrendered to the forces of the Rebellion the power to practically re-enslave the great body of negroes through state legislation. Congress had resolved to protect them and as a first step gave them the ballot, and also by authority of the loyal states, amended the National Constitution prohibiting any state from denying the elective franchise to any person on account of race, color or previous condition of servitude. The Constitution was further amended prohibiting any state from assuming or paying any portion of the debts contracted by the Confederacy or any state for carrying on the war. Both houses of Congress being republican by more than two-thirds, that body had no difficulty in enacting any law demanded, as the president's veto was easily disposed of by the two-thirds majority. Military governors were appointed in the seceded states by the Federal Government, who were required and authorized to organize the machinery of state governments. They proceeded in this work somewhat on the plan pursued by the first governor of Dakota Territory, by issuing proclamations, calling elections for the election of members of the Legislature, state and county officers, designating those who were entitled to vote and hold office. These Legislatures, when assembled, were required to ratify the constitutional amendments. In some of the states conventions were called for the purpose of framing new constitutions that would conform to the changed conditions, while in many cases the old constitutions were reframed; and these constitutions were submitted to Congress and the state formally admitted into the Union just as is the case with new states. Congress also passed what was called amnesty acts, relieving the whites from their political disabilities. First the amnestied class applied to the subordinate employees of the Confederate Government and the private soldiers; then a little later followed an act relieving a class of commissioned officers below a certain grade, and still later, when the great mass of whites had thus been relieved, an act was passed that provided for the relief of the leading civil officers, including com-

gressmen, foreign ministers, and army officers, including the rank of colonel and above, upon their making petition to be reinstated in their political privileges and taking the oath of allegiance. Thus all who had been connected with the Rebellion in any capacity, to overthrow and disrupt the Federal Union, were finally restored to citizenship, except a very few, including Jefferson Davis, the president of the Confederacy. It was expected that he would be tried for treason. He was indicted and arraigned before the United States Court for the Northern District of Virginia, but through the influence of leading republicans and old-time abolitionists who had been his inveterate enemies for a lifetime, he was admitted to bail in the sum of \$100,000, Horace Greeley, the renowned anti-slave leader, and founder of the New York Tribune, being one of his bondsmen. This ended the matter. The case was never called for trial.

The presidential campaign was contested by the champions of these two methods of reconstruction. It was evident long before the time for holding the national conventions that the republicans would nominate for President General Grant the foremost military character of the Civil war. This sentiment was universal among republicans and was sustained by thousands of democrats who had served in the Union armies. Before the war Generals Grant, Sherman, Sheridan, Logan and Thomas, and Secretary of War Stanton, were leaders in the democratic party, so far as they took any part in politics; and it was claimed, and was probably true, that nearly or quite one-half of the soldiers of the Union army had been supporters of the democratic party.

In the Territory of Dakota the political sentiment was similar to that which prevailed throughout the North. All the republicans and many old-time democrats favored Grant for President, but there was a serious division in the territorial republican party in regard to the nominee for delegate to Congress, which officer was to be elected this year to succeed Dr. W. A. Burleigh, who had been triumphantly elected in 1866, as a Johnson republican, but who was now a candidate for the nomination at the hands of the straight, or congressional, republicans, the democrats having taken over all there was of Johnson republicanism. In addition to Burleigh, Hon. S. L. Spink, secretary of the territory, was the foremost republican candidate, and Judge J. P. Kidder was also in the field as a republican, but before the campaign ended these were running, with the addition of General Todd, and Toohey, of Wyoming.

The democrats had not early in the year become united on any candidate for President, and not until their national convention met did they decide upon nominating Horatio Seymour, of New York. Many of them supported Johnson, but there was entirely lacking the enthusiasm that foreboded success under the President's leadership.

In our territory the sentiment of the democrats was generally favorable to J. B. S. Todd as their candidate for delegate.

POLITICAL CONVENTIONS, 1868

The following official call for a national republican convention was issued in December, 1867:

The undersigned, constituting the national republican committee, designated by the convention held at Baltimore on the 7th of June, 1864, do appoint that a national convention of the union republican party be held at the City of Chicago, Illinois, on Wednesday, the 20th day of May, 1868, at 12 o'clock M., for the purpose of nominating candidates for the offices of President and vice president of the United States. Each state in the United States is authorized to be represented in the convention by the number of delegates equal to twice the number of senators and representatives to which such state is entitled in the National Congress. We invite the cooperation of all citizens who rejoice that our great Civil war has happily terminated in the discomfiture of rebellion, who would hold fast the unity and integrity of the republic, and maintain its paramount right to defend to the utmost its own existence, whether imperiled by secret conspiracy or armed force; of all friends of an economical administration of the public expenditure; of the complete extirpation of the

principles and policy of slavery; of the speedy reorganization of those states whose governments were destroyed by the Rebellion, and their permanent restoration to their proper practical relations with the United States in accordance with the true principles of republican government.

Signed by Marcus L. Ward, of New Jersey, chairman; John D. Jefrees, of Indiana, secretary; John R. Clark, New Hampshire; Samuel T. Hussey, Maine; A. B. Gardine, Vermont; Wm. Clafflin, Massachusetts; Samuel A. Purviance, Pennsylvania; J. S. Fowler, Tennessee; B. C. Cook, Illinois; Marsh Giddings, Michigan; D. B. Stubbs, Iowa; A. W. Campbell, West Virginia; H. W. Hoffman, Maryland; N. B. Smithers, Delaware; W. J. Corning, Virginia; S. H. Boyd, Missouri; C. L. Robinson, Florida; S. Judd, Wisconsin; Horace Greeley, New York; H. A. Starkweather, Connecticut; R. B. Cowen, Ohio; Thomas Simpson, Minnesota; Newton Edmunds, Dakota; D. S. Goodloe, North Carolina; Thomas G. Turner, Rhode Island; Samuel N. Crawford, Kansas; S. J. Bowen, District of Columbia, and J. P. Chaffee, of Colorado.

IMPEACHMENT OF PRESIDENT JOHNSON

The national events of the year 1868 were the presidential election and the impeachment of President Johnson, and because both events had an important bearing on the interests of Dakota, a brief sketch of the impeachment is here inserted. The differences between the President and Congress, growing out of the restoration of the southern states, had grown so acute and exasperating that Congress had by various enactments curtailed the power of the President whenever it became necessary to promote the reconstruction policy pursued by that body, at the same time keeping within constitutional limits. The office of secretary of war had been the most important of all the cabinet positions from the outbreak of the Rebellion, and was so considered at this time, especially by the President, when the questions and problems arising from reconstruction were in course of adjustment, as Congress was using the army to further its plans, and so far as possible check the unfriendly interference of the President. The various enactments of Congress pertaining to reconstruction, as a rule, met with President Johnson's veto, but the two-thirds majority of Congress easily overcame this impediment and enabled that body to pass such measures as were necessary to the furtherance of their policy of reconstruction.

Among the special acts found necessary was an act regulating the tenure of certain civil offices, which provided that the members of Mr. Johnson's cabinet should not be removed from office until their successors had been appointed and confirmed by the Senate. The position of secretary of war had been held by Hon. Edwin M. Stanton, of Pennsylvania, for a number of years, and although originally a democrat, Stanton had become a republican at the breaking out of the war, was Lincoln's "Great War Secretary," and favored the congressional plan of reconstruction. He was Mr. Lincoln's right-hand during the war. He was an able lawyer and a statesman, and very thorough and fearless in the discharge of his official duties. Mr. Johnson found him a thorn in his side and was determined to get him out of his cabinet, but the tenure of office act stood in the way. If he appointed a successor the Senate would refuse to confirm, and Mr. Stanton would be left in authority. The President finally hit upon an expedient that promised to relieve him of his obnoxious minister, and at the same time keep within the tenure of office law. He formally removed Mr. Stanton and assigned Adj. Gen. Lorenzo Thomas to be secretary of war ad interim, and directed General Thomas to take charge of the War Department. The President sent a communication to the Senate notifying that body of his action, and General Thomas called at the office of Secretary of War Stanton, presented his commission to the secretary, and retired. The Senate considered the communication of the President in executive session and answered it by adopting the following resolution:

Resolved, That under the Constitution and laws of the United States, the President has no power to remove the secretary of war and designate any other person to perform the duties of that office.

A copy of this resolution was sent to Secretary Stanton, and the result was that he not only refused to vacate the office, but he proceeded to barricade and lock certain entrances and himself remained at the war office all night, it being expected that General Thomas would attempt to gain possession by force, and possession was regarded as "nine points of the law." The result was that Stanton held the fort, and the feeling against the President had become so embittered that the House of Representatives preferred articles of impeachment against President Johnson, charging high crimes and misdemeanors. There were twelve of these articles, something like the counts of an indictment. Eight of them were found for violation of the tenure of a certain civil office act; two for violating the "act to define and punish certain conspiracies"; one for violating an act making appropriations for the army, and one for endeavoring to prevent the execution of an act to provide for the more efficient government of the rebel states.

The first article of impeachment recited:

That said Andrew Johnson, President of the United States, on the 21st of February, in the year of our Lord, 1868, at Washington in the District of Columbia, unmindful of the high duties of his office, of his oath of office, and of the requirements of the Constitution that he should take care that the laws be faithfully executed, did unlawfully and in violation of the Constitution and laws of the United States, issue an order in writing for the removal of Edwin M. Stanton from the office of secretary for the department of war, said Edwin M. Stanton having been theretofore duly appointed and commissioned, by and with the advice and consent of the Senate of the United States, as such secretary; and said Andrew Johnson, President of the United States, on the 12th day of August, in the year of our Lord, 1867, and during the recess of said Senate, having suspended by his order Edwin M. Stanton from said office and within twenty days after the first day of the next meeting of said Senate on the 12th day of December in the year last aforesaid, having reported to said Senate such suspension with the evidence and reasons for his action in the case, and the name of the person designated to perform the duties of such office temporarily until the next meeting of the Senate, and said Senate thereafterward on the 13th day of January, in the year of our Lord, 1868, having duly considered the evidence and reasons reported by said Andrew Johnson for such suspension, did refuse to concur in said suspension, whereby and by force of the provisions of an act entitled "An act regulating the tenure of certain civil offices," passed March 2, 1867, said Edwin M. Stanton, by reason of the premises, on the said 21st day of February, was lawfully entitled to hold said office of secretary for the department of war, which said order for the removal of said Edwin M. Stanton, is in substance as follows, that is to say:

Executive Mansion, Washington, D. C., February 21, 1868.

Sir: By virtue of the power and authority vested in me as President by the Constitution and laws of the United States, you are hereby removed from office as secretary for the department of war, and your functions as such will terminate on receipt of this communication. You will transfer to Maj. Gen. Lorenzo Thomas, adjutant general of the army, who has this day been authorized and empowered to act as secretary of war, ad interim, all records, books, papers and other public property now in your custody and charge.

Respectfully yours,

ANDREW JOHNSON.

To Hon. Edwin M. Stanton,
Washington, D. C.

Which order was unlawfully issued with intent then and there to violate an act entitled "An act regulating the tenure of certain civil offices," passed March 2, 1867, and contrary to the provisions of said act and in violation thereof, and contrary to the provisions of the Constitution of the United States, and without the advice and consent of the Senate of the United States, the Senate then and there being in session, to remove said Edwin M. Stanton from the office of secretary for the department of war, whereby said Andrew Johnson, President of the United States, did then and there commit, and was guilty of, a high misdemeanor in office.

Following this were nine other articles, charging violations of the tenure of office act in the removal of Mr. Stanton; two charging conspiracy with General Thomas to obtain possession of the war office and Government property; one article charging that the President had "declared to and instructed Major General Emory, in command of the department of Washington, that the second section of the act making appropriations for the support of the army, which provided that "all orders or instructions relating to military operations issued by the President to the secretary of war should be issued through the general of the army," was "unconstitutional and in contravention of the commission of said Emory, and therefore not binding upon him as an officer of the United States." The twelfth article charged that

the President, on the 18th day of August, 1866, at the City of Washington, "by public speech, did declare and affirm, in substance, that the Thirty-ninth Congress of the United States was not a Congress of the United States authorized by the Constitution to exercise legislative power under the same, but on the contrary was only a Congress of part of the states, thereby denying and intending to deny that the legislation of said Congress was valid or obligatory upon him, the said Andrew Johnson, except so far as he saw fit to approve the same; and also thereby denying and intending thereby to deny the power of the said Thirty-ninth Congress to propose amendments to the Constitution of the United States."

The trial took place before the United States Senate, beginning Monday, March 30, 1868, and continued six weeks, the arguments being concluded on Friday, May 15th, and a vote on the various articles was then taken. There were fifty-four senators, and it required a two-thirds vote to convict. Forty-two senators were republicans and twelve democrats. All the democrats voted for acquittal, as also did Senators Fessenden, of Maine; Grimes, of Iowa; Trumbull, of Illinois; Ross, of Kansas; Fowler, of Tennessee; Van Winkle, of West Virginia, and Henderson, of Missouri, making nineteen negative votes, which was the exact number required to acquit the President. One vote changed to the affirmative side would have cost President Johnson his office, and made Hon. Benjamin Wade, of Ohio, then president of the Senate, President for the remainder of the term of Mr. Johnson, which would expire in less than a year.

The states not represented that were awaiting admission into the Union under the reconstruction acts of Congress, were Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Texas and Virginia.

It was remarkable that the republican senators who voted for acquittal were consigned by the popular sentiment of their party to a political oblivion from which they never emerged, not one of them, though few believed that their action was controlled by other than conscientious motives and for the good and quiet of the country. Mr. Johnson's term would expire within a few months, and it was claimed that these senators felt that the people "had better bear the ills they had than fly to others that they knew not of." There was very little friction between Congress and the President after the impeachment trial, and the people became interested in the presidential election then pending, the contest being between the republicans and democrats, with Ulysses S. Grant, of Illinois, and Schuyler Colfax, of Indiana, as the republican candidates, and Horatio Seymour, of New York, and Francis P. Blair, of Missouri, the democratic candidates.

THE DELEGATE FIGHT

About the 15th of February, 1868, a call was issued by the Republican Central Committee of Dakota, signed by Jacob Brauch, chairman; A. H. Hampton, John Owens, Franklin Bronson and Nelson W. Cusick, calling a territorial delegate convention to meet at Miner's Hotel, Vermillion, on Thursday, March 5, 1868, for the purpose of electing two delegates to the national convention to be held at Chicago, May 20th, to nominate candidates for President and vice president of the United States, the ratio of representation to be the same as the number of councilmen and representatives in the Legislature.

The territorial republican convention met at Vermillion, March 5th, when G. C. Moody was elected president, and R. C. Green, of Union County; Nelson Miner, of Clay, and C. H. McIntyre, of Yankton, vice presidents; G. P. Bennett, of Union, and William Shriner, of Clay, secretaries. C. B. Valentine, of Union, Doctor Hodgkin, of Clay, and T. W. Brisbane, of Yankton, were appointed a Committee on Resolutions.

(There were but three counties represented in this convention. The date of holding it was so early, and the sentiment for Grant so universal, that the republicans of Bon Homme, Charles Mix and Todd counties did not send delegates. The proceedings were not given out for publication, as no Committee on Credentials was appointed.)

The Resolutions Committee reported as follows:

Resolved, by the republican convention of the Territory of Dakota now assembled, That our first choice for President of the United States is the soldier, patriot and statesman, Ulysses S. Grant, of Illinois, and that our delegates to the national convention are instructed to put forth their best efforts to secure his nomination.

Resolved, That the republicans of Dakota, through their delegates, do most heartily endorse the reconstruction policy of the Thirty-ninth and Fortieth Congress.

The resolutions were adopted by a unanimous vote.

The following resolution, presented by Mr. Brookings, was then adopted:

Resolved, That the republicans of Dakota, through their delegates in convention assembled, do fully endorse the prompt action taken by the House of Representatives of the Fortieth Congress in the impeachment of Acting President Andrew Johnson for his flagrant and willful violation of the Constitution and laws, and that such action meets with the warm approval of every loyal citizen of Dakota.

The convention then proceeded to the election of delegates to the national convention, by ballot. For C. B. Valentine there were twenty-one votes; for G. C. Moody, seventeen; for John L. Jolley, sixteen. Valentine and Moody were declared elected. John L. Jolley and Joseph R. Hanson were elected alternates. A few brief addresses were then made, when the territorial convention adjourned.

The national convention was held in the City of Chicago on the 20th of May. Dakota was represented by a double delegation, though it was not known that such was the case until the meeting of the national convention, as no second convention had been held in Dakota. Dr. R. I. Thomas and John Lawrence were there claiming seats from Dakota, and represented that they had been elected by a conservative republican convention, but when their credentials were examined it was found that they were signed by a person who claimed to be president of a Grant Club. Dr. W. A. Burleigh was also there as a promoter of Thomas and Lawrence, and though it does not appear that these gentlemen had the slightest claim to seats in the convention, the republicans of Dakota had been so divided and in such a wrangle for years that the convention was not willing to entirely reject Burleigh's men, for Burleigh, owing to his wide acquaintance and political experience, was something of a power in national conventions, so it was decided to give Thomas and Lawrence seats on the floor of the convention without a vote. Moody and Valentine, elected at Vermillion, were recognized as full delegates and placed on the roll call, and Hanson and Jolley given seats as alternates. A delegate-elect from Laramie County was present, and was given a seat with the regular Dakota delegation, it being expected that the new Territory of Wyoming would be created by the Congress then in session, which would include both Laramie and Carter counties. Newton Edmunds, of Yankton, was named national committeeman from Dakota. The national convention nominated Ulysses S. Grant for President, and Schuyler Colfax for vice president.

SECOND REPUBLICAN CONVENTION IN 1868

The Republican Territorial Committee issued a call for the meeting of the republican territorial convention for the nomination of a delegate to Congress and territorial officers, to meet at Elk Point, July 8, 1868. The convention assembled at the time indicated. Jacob Brauch, chairman of the territorial committee, called the convention to order, when Col. B. F. Campbell, of Clay, was elected temporary chairman, and G. B. Bennett, of Union, secretary. A Committee on Credentials was appointed, which reported the following named as entitled to seats in the convention:

Union County, J. P. Webber, Duncan Ross, Jr., Gilbert P. Bennett, S. L. Parker, N. J. Wallace, H. Fairchild, James Curtis, T. C. Watson, J. E. Schooler

and W. J. Walters; Clay County, H. Gunderson, James Eves, A. F. Shaw, J. D. Tucker, R. E. Blades, B. F. Campbell, A. Vermason, E. D. Barker and William Crane, Yankton County, W. W. Brookings, C. H. McIntyre, Ole Sampson, Torger Nelson, Iver Bagstad, V. N. Babcock, William Stier, Rudolph Von Ins and G. W. Batchelder; Bon Homme County, John W. Owen and E. W. Wall; Charles Mix County, Hiram Conger, Bucklin N. Wood and Joseph Emerson (George H. Hand proxy for Wood and Conger); Laramie County, Capt. N. J. O'Brien, W. W. Corlett, M. C. Brown, S. M. Preshaw, T. E. McClelland, A. T. Drake; Carter County, John Clifford, 4 votes (Col. G. C. Moody and G. W. Kingsbury held proxies and cast the vote of Carter County).

The report of the Credentials Committee was adopted.

A permanent organization was then effected by electing W. W. Brookings, president; R. E. Blade, Clay; G. P. Bennett, Union; Ole Sampson, Yankton; J. W. Owens, Bon Homme, and Joseph Emerson, Charles Mix, vice presidents; and N. J. Wallace, Union; James Eves, Clay, and George H. Hand, Yankton, secretaries.

The platform of principles was then adopted. It endorsed the national platform and the nominees of the national convention, Grant & Colfax; the position of Congress on reconstruction; favored a grant of land to aid in the construction of a railroad from Sioux City to the Cheyenne River via Elk Point, Vermillion, Yankton and Bon Homme, and favored keeping the public lands out of market, and permitting their sale only to homesteaders and pre-emptors.

Nominations being in order Hon. S. L. Spink, of Yankton, was nominated for delegate to Congress on the first ballot receiving thirty-eight votes, the full vote of the convention. For territorial auditor, W. W. Corlett, of Laramie County; for territorial treasurer, T. K. Hovey, of Clay County; for superintendent of public instruction, T. McKendrie Stewart, Union County.

A central committee for the territory was appointed, composed of G. P. Bennett, Union County; A. F. Shaw, Clay; G. C. Moody, Yankton; H. M. Kennedy, Bon Homme; Hiram Conger, Chas. Mix; N. W. Cusick, Todd; Isaac S. Haskell, Carter; M. C. Brown, Laramie; John Nelson, Minnehaha; Richard Fitzgerald, Lincoln; Peter Cavilier, Pembina. Colonel Moody was made chairman of the committee. Mr. Spink, the nominee for delegate, addressed the convention at some length, and brief speeches were made by Messrs. Moody, Batchelder, Brookings, Hand and Campbell.

The convention then adjourned.

THE PEOPLE'S CONVENTION

Following the republican convention, there appeared a call for a "people's convention," in words following:

All citizens of Dakota Territory desiring the common good of the country and the advancement of the real interests of Dakota, are requested to meet at the county seats of their respective counties, or at such other places as may be designated, on the 15th day of August, A. D. 1868, for the purpose of selecting delegates to attend a people's territorial convention, to be held at Vermillion, August 22, 1868, at 2 o'clock P. M., and there to nominate a suitable person to represent the people of Dakota as delegate in Congress, also to put in nomination suitable persons for territorial auditor, treasurer and superintendent of public schools, and to transact such other business as may properly come before the convention. The respective counties will be entitled to delegates as follows: Union County, 10; Clay County, 9; Yankton, 9; Bon Homme, 3; Todd, 3; Charles Mix and Butte, 3; Lincoln, 1; Pembina, 1.

By Order of Committee.

The people's territorial convention assembled at Vermillion at the public schoolhouse, August 22, 1868. Hon. W. A. Burleigh was elected temporary chairman and Wm. Miner, of Yankton, secretary. A Committee on Credentials, composed of Dr. O. F. Stevens and E. B. Wixson, of Union County, and J.

A. Lewis of Todd County, was appointed, who reported the following names as entitled to seats in the convention as delegates:

Union County—John Reams, Shephard Young, H. W. McNiell, E. B. Wixson, C. P. Heath, S. Reandeau, O. F. Stevens, G. W. Kellogg and William Benton. Clay County—Capt. N. Miner, G. W. Platte, Frank Taylor, A. Hanson, Ole Bottolfson, M. McCue, Victor Cordin, N. V. Rose, M. Snyder. Yankton County—William Miner, L. Congleton, A. M. English, Louis Volin, Washington Reed, W. N. Collamer, T. G. Maxwell, Thomas Frick, J. V. Bunker. Bon Homme County—W. A. Burleigh, R. M. Johnson, Hugh Fraley. Todd County—J. A. Lewis, Henry Brooks, John Thompson. Charles Mix County—J. S. Collins, F. J. Dewitt, R. I. Thomas. Lincoln County—M. Fitzgerald.

The report was adopted.

The convention then proceeded to a permanent organization when L. Congleton, of Yankton County was elected president; William Miner and C. P. Heath, secretaries. Vice presidents were also elected as follows: Chas. Hamilton, Charles Mix; Hugh Fraley, Bon Homme; Washington Reed, Yankton; Louis Volin, Ole Bottolfson, Clay; M. Snider, G. W. Kellogg, A. Gore, S. Reandeau, Union; M. Fitzgerald, Lincoln; J. A. Lewis, Todd County.

A Committee on Resolutions was appointed, as follows: W. A. Burleigh, chairman; Almon Gore, Union; Nelson Miner, Clay; J. V. Bunker, Yankton; Henry Brooks, Todd; J. S. Collins, Charles Mix; M. Fitzgerald, Lincoln.

The resolutions were seven in number. The first favored immigration, protection to the lives and property of the people, and easing the burdens of taxation. The second resolution favored the extension of railroads into the territory and promised to endeavor to secure aid from the Federal Government, for that purpose. The third favored liberal appropriations by the general government for the purpose of conducting the government of the territory; the fourth favored the extinguishment of the Indian title to all the lands in the territory. The fifth opposed the bringing of the public lands of Dakota into market; the sixth pledged every effort to reward the veteran soldiers and sailors of the territory by shortening the time for securing their homesteads to one year. The seventh invited the cooperation of all citizens who desired to promote the best interests of the territory. The platform was silent in regard to national politics and presidential candidates.

The convention then proceeded to the nomination of candidates for the various offices. Doctor Burleigh nominated J. P. Kidder, of Clay County, for the office of delegate in Congress and the convention with an unanimous vote ratified the nomination. M. K. Armstrong, of Yankton, was nominated for territorial auditor; Eli B. Wixson, of Union, for territorial treasurer; and Almon Gore, of Union, for territorial superintendent of public instruction.

The following campaign committee was then appointed: For Union County—Messrs. Cummings, Rich, Mohan, A. Gore, Webster, Doctor Stevens, D. Chaussee, D. M. Mills, M. Kiplinger. Clay County—Messrs. Ross, Snider, Bottolfson and Hanson. Yankton County—Messrs. Louis Volin, A. Van Osdel, A. M. English, Stephen Flick and A. B. Stevens. Bon Homme County—Hugh Fraley and R. M. Johnson. Todd County—Joel A. Potter and Henry Brooks. Charles Mix County—F. J. Dewitt and Felicia Fallas. Lincoln County—M. Fitzgerald. A resolution was adopted endorsing Doctor Burleigh's course in Congress. Addresses were made by Dr. R. I. Thomas, Judge Ford, of Wyoming, or rather Laramie County; W. A. Burleigh and Judge Kidder, the nominee; after which the convention adjourned.

FIRST DISTINCTLY DEMOCRATIC ORGANIZATION IN DAKOTA

The reader who is interested in the political history of the territory may have observed that up to the present time, 1868, nothing has been said regarding a democratic party as an organization in the territory, and in explaining the reason why, it is only necessary to state that there had been no such organization since

the establishment of the territory. The democrats had not been sailing under that flag. They had adopted various titles but had not organized as democrats until 1868. After the first election in 1861, when General Todd was elected to Congress without the formality of either convention or a nomination, the democratic leaders had felt that their party had no chance of winning unless they could secure a large number of republican votes from the insurgent element, and to do this they were obliged to adopt a temporary title such as "union," "people's," "citizens," etc., or throw their support to one of the republican factions which party was famous for its "double headers."

The first move for an organization was made by the democrats of Yankton County who held a mass convention at Yankton, on Saturday, May 9, 1868, and took the initial steps. As was stated in the convention, there had been up to that time no distinct democratic organization in the territory, which had been due altogether to the political differences growing out of the War of the Rebellion, followed by the disagreements between President Johnson and Congress. At this initial convention the only business transacted was the election of officers and the consideration of plans for securing the cooperation of democrats throughout the territory. The officers chosen were for this purpose of organization, W. P. Lyman, president; D. T. Bramble, vice president; J. Shaw Gregory, treasurer; and Dr. Franklin Wixson, secretary. The movement was heartily seconded in the other counties and county organizations followed. The outcome of the movement resulted in the calling of a territorial democratic convention to meet at Yankton June 20, 1868, for the purpose of electing two delegates to the National Democratic Convention. The call was signed by D. T. Bramble, L. W. Case, A. M. English, J. S. Prescho and D. B. Cooley, and in accordance therewith the territorial convention assembled at Yankton on Saturday, the 20th of June. The proceedings do not show who the officers were, and the names of but few delegates were given. Union County was not represented. Mr. Sherman represented Clay; Hon. Hugh Fraley, Bon Homme; Felix Le Blanc and Felicia Fallas, Charles Mix; and D. T. Bramble, W. P. Lyman, A. G. Fuller, C. G. Irish, M. M. Parmer, J. S. Prescho, D. B. Cooley and John Stange, Yankton County. Gen. J. B. S. Todd and Hon. D. T. Bramble were elected delegates to the national convention and Capt. A. G. Fuller, one of the alternates. The National Democratic Convention was called to meet in the City of New York, July 4, 1868. At the national convention so held in New York, Horatio Seymour, of New York, was nominated for president and Francis P. Blair, of Missouri, for vice president. The Dakota delegates attended. There was held at Yankton after the nomination of Seymour and Blair a grand democratic ratification meeting on July 14th, at which speeches were made by General Todd, Gen. Wm. Tripp, Maj. E. H. Brackett and Dr. J. B. VanVelsor.

A call was then issued for a Democratic Territorial Convention to meet at Vermillion on the 8th of September, to nominate a delegate to Congress and territorial officers. The convention met pursuant to call and nominated the following ticket:

For delegate to Congress, J. B. S. Todd; for territorial auditor, John W. Turner, of Clay; for territorial treasurer, Michael Ryan, of Union; for superintendent of public instruction, James Keegan, of Bon Homme. The platform endorsed the democratic nominees for President and vice president; favored the reconstruction policy of President Johnson; denounced the usurpation of the executive powers by Congress; favored keeping the public lands subject to homesteads and pre-emptions, and favored liberal pensions to Union soldiers and sailors. The convention adjourned after the adoption of the platform.

DR. W. A. BURLEIGH BECOMES A CANDIDATE

On the 23d of September, Hon. Walter A. Burleigh, who had gone to Laramie County on a political mission, presumably in the interest of Judge Kidder, published a card in the Cheyenne Argus from which the following is copied:

To My Fellow Citizens: I shall have been your representative in Congress for two terms with the termination of the fortieth session. So far as I know I have performed faithfully all the duties an honorable agent or attorney could perform. At the request of citizens in various parts of our territory I advocated, worked for and finally obtained the passage of the organic act of Wyoming. I did this with the assistance of General Casement, who drew up the bill, aided by Doctor Latham, of Cheyenne, who was in Washington at the request of the people, whilst General Casement was compelled to remain at home to prove to the world that the Rocky Mountains could be crossed by the iron horse of civilization. With this premise I wish to state that I am now an independent candidate for reelection, at the urgent request of many of my friends, and against my own inclinations. If reelected, I shall certainly advocate appropriations for the necessary surveys that will make known the richest mining country in the world, and be the means of its development. I am, ever have been, and will continue to be, in favor of a double track of the Union Pacific Railroad, because I believe that while it binds together, with strong iron bands that none can sever, a great nation and a continent, it also changes and will perfect the national channel of commerce between our own and distant lands. In regard to Indians, if they do not immediately return to their reservations and live up to their treaties between the Government and themselves, I am in favor of war. I would ask Congress to arm and equip my fellow citizens of the great West and permit them to prosecute the war, as being best acquainted with the haunts and habits of the savage foe. I shall also point out the advantages to the Government and the people of Wyoming of having our own citizens appointed to the federal offices within the territory, for the reason that they best know her wants and ought to be rewarded for their exertions in developing her resources. I will do all I can for Dakota and Wyoming, and ask your votes on the ground only that I will try to do what I think I have heretofore done, act for you as I believe you desire, and in accordance with your best interests. Vote as you think best and I will be satisfied; but I would like every citizen to vote so that the whole may be represented through a deliberate choice.

Respectfully, your servant,

W. A. BURLEIGH.

GEN. DENNIS TOOHEY ENTERS THE LIST

Within a week of the election which occurred on Tuesday, the 13th of October, a fifth candidate in the person of Gen. Dennis Toohey, of Wyoming, sprang suddenly into the arena and went energetically to work among the voters of Laramie and Carter counties, now Wyoming. He was a democrat; a man of ability and quite popular in that section, where they claimed to have over two thousand legal voters.

LIST OF CANDIDATES COMPLETE

With the announcement of Mr. Toohey, the list of candidates was completed there being Spink for the republicans; Kidder, people's; Todd, democrat; Burleigh, independent; and Toohey, independent democrat. The political campaign in Dakota, which had been in progress all summer was stimulated to a much higher temperature by the unexpected announcements of Burleigh and Toohey. The campaign was to be the most strenuous "free for all" political struggle that had yet engaged the attention of Dakotans. While the Johnson republicans were generally supporting Grant and Colfax, and while there had not been any organized opposition among republicans to Mr. Spink, Kidder had a large republican following, and there were influential and experienced republican politicians openly supporting him on the people's ticket. This course, they knew, would not affect their standing in Washington with the President or with Congress, for political affairs in the territory were known to be largely a matter of personalities, and the territories having no vote for President or in Congress, their influence amounted to little and the personal relations of a delegate were of more value than his political connections at home. Burleigh was Kidder's strongest ally at the opening of the campaign and his defection may have cost the judge a victory. The new Territory of Wyoming bill passed at the late session of Congress, but it contained a provision that it should not go into effect until its federal officials should be appointed and confirmed by the Senate which plainly meant that President Johnson would not be permitted to make the appointments of governor, judges and others. This left that section still in Dakota for another

winter at least, and its two thousand votes or more in the counties of Laramie and Carter, if united, would control the territorial election. It was this condition and the large vote of those western counties that gave the political leaders a problem to study, and an opportunity for scheming and manipulation. There is a saying among politicians, when an exciting and doubtful campaign is nearing its close, that politics are "red hot." This term expresses, as well as any words could the condition of the political atmosphere everywhere in the territory as soon as it became known that Burleigh and Toohey had entered the field in Laramie County. Public meetings at every hamlet and town were of daily and nightly occurrence, and politics certainly engrossed the attention of people generally. The Red River vote of one hundred and fifty to three hundred and the Wyoming vote of 2,000 were uncertain factors to those who were thought to have more than the ordinary insight into the outcome of a political campaign. The election in the territory was held on Tuesday, October 13th, and resulted in the choice of Mr. Spink for delegate, and the remainder of the republican nominees, and also in the election of a republican House of Representatives for the territory. The councilmen held over from 1867. The popular vote for delegate gave Spink 1,443; Toohey, 952; Todd, 828; Kidder, 553; Burleigh, 814. Total vote, 4,579, of which total the Wyoming country cast about 2,325. Spink carried Union, Clay, Yankton, Lincoln, Minnehaha, Bon Homme, Laramie, Carter and Pembina counties. Todd carried Charles Mix County. Todd County gave Burleigh eight and Kidder eight and the Crow Creek Indian Agency gave Kidder thirty-one and Todd one.

THE NATIONAL AND TERRITORIAL ELECTION

The presidential election was held on the 3d of November, and resulted in the election of the republican candidate, Grant and Colfax, by a large majority—the electoral vote standing 219 for Grant and Colfax, and eighty-five for Seymour and Blair. The states of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, Vermont, Pennsylvania, West Virginia, Indiana, Ohio, Illinois, Michigan, Wisconsin, Nebraska, Iowa, California, Kansas, Nevada, Missouri, Minnesota, Tennessee, Arkansas, Florida, South Carolina, and North Carolina went republican. New York, New Jersey, Georgia, Maryland, Kentucky, Alabama and Louisiana went democratic. Virginia, Mississippi and Texas did not vote, not having at this time accomplished their work of reconstruction.

At this territorial election votes were cast in the following counties and precincts, showing the extent of the Territory of Dakota at that date, 1868:

Name of Counties or Precincts	Spink	Toohey	Burleigh	Kidder	Todd	Total
Union County	225	..	43	182	..	450
Lincoln County	43	..	..	20	..	63
Minnehaha County	25	..	3	..	..	28
Clay County	130	..	48	108	..	286
Yankton County	100	..	73	92	3	337
Bon Homme County	22	..	18	18	6	64
Todd County .....	..	..	..	8	8	16
Charles Mix County	17	..	75	9	..	101
Fort Thompson .....	..	..	1	10	..	32
Fort Sully .....	..	..	..	37	..	37
Fort Rice	11	..	..	10	..	21
Laramie and Carter Counties.						
Cheyenne City	318	285	55	20	225	903
Laramie	278	80	97	..	80	544
Pine Bluffs	21	7	72	..	18	118
Cooper Lake	50	..	..	..	13	63
Summit	9	1	72	..	80	160
Rawling Springs	1	71	11	..	94	177
Green River	34	267	171	..	35	507
Point of Rock .....	..	63	..	..	..	63

Name of Counties or Precincts	Spink	Toohey	Burleigh	Kidder	Todd	Total
Fort Laramie .....	..	..	40	..	4	44
Sherman	9	1	14	..	80	110
Benton	31	150	10	..	50	241
Fort Tetterman .....	..	..	30	..	..	30
Bitter Creek .....	..	18	1	..	44	63
Fort Halleck	1	..	51	..	70	122
Red River .....	..	..	..	..	..	..
Pembina	9	..	..	9	..	18
St. Joseph	34	..	..	3	..	37
Totals	1443	952	827	552	822	4592

THE TERRITORIAL OFFICIAL CANVASS

The territorial board of canvassers met on the 4th of December, 1868, and canvassed the vote for delegate to Congress and territorial officers. Under the law the board was composed of the governor, chief justice and secretary of the territory; but Mr. Spink having been a candidate was disqualified; Chief Justice Bartlett was absent holding court in Cheyenne so that Governor Faulk, the only other member, canvassed the vote alone, there being no contest with the following result: S. L. Spink, for delegate, 1,379 votes; J. P. Kidder, for delegate, 581 votes; J. B. S. Todd, for delegate, 644 votes; W. A. Burleigh, for delegate, 658 votes; D. J. Toohey, for delegate, 603 votes; Jeff. Davis had two votes; U. S. Grant, one, and Geo. M. McCarthy, two.

A large number of the votes cast in Carter County were not canvassed by the board, having been cast in unauthorized precincts. This will account for the discrepancy between the county returns and the official canvass, but disregarding this unauthorized vote made no difference with the general result. For territorial auditor, John Morris received 1,573 votes; E. B. Wixson, 557; M. Ryan, 384. For territorial treasurer, T. K. Hovey, 1,443 votes; M. K. Armstrong, 600; J. W. Turner, 374; and P. S. Wilson, 114. For superintendent of public instruction, T. McKendrie Stewart received 1,498 votes; A. Gore, 552; and James Keegan, 879.

Proclamation was made by the governor of the election of the successful candidates, and the election incident of 1868 was finally closed.

THE BUFFALO DIMINISHING

Mr. George Brown, of Yankton, has over forty years to his credit as a Dakotan, having settled here and engaged in business in the early '70s, though prior to that he had been employed on the steamboats traversing the upper river for a number of years. His parents were natives of France and Germany—Alsace and Lorraine—his father from the French province and his mother from the German. They came to America in 1847, and the following year George was born in Boone County, Kentucky, where the family had settled. His father shortly after removed to Covington, Kentucky, where George grew to be a lad fifteen years of age, when his parents removed again just across the Ohio River to the famous old City of Cincinnati, and there Mrs. Brown, his mother, is yet living, surrounded by at least a score of children and grand-children.

George began his industrial life in the kitchen of one of the Ohio River steamboats during the Civil war, and was so employed on the steamer Tycoon in 1863, at the time of the great battles of Pittsburgh Landing and Shiloh, where Grant, after a two days' battle won national fame for the final victory. The Tycoon was the first boat to get to Pittsburgh Landing before the battle was over, and took aboard a large number of the Union wounded, which she carried to the hospitals at Cincinnati.

In the spring of 1868 Mr. Brown engaged as steward on the Nellie Peck, a steamboat owned by Durfee and Peck, who at that time bought all the fur trad-

ing posts on the Missouri. The boat made one trip to Benton and returned to Sioux City, took on a cargo for a post or Indian agency at Grand River, and though the season was late, made the run and delivered the freight, then started down stream. The weather turned suddenly cold, and at Pocahontas Island, about seventy-five miles above Fort Randall, the Nellie Peck was frozen fast in the ice and the passengers, officers and crew were obliged to walk to Fort Randall before they could secure conveyances to take them to their destination. The boat was placed in charge of Mr. Brown; he engaged to stay with her during the winter. His only companion was a young negro boy. The boat was moored to the island some distance from either shore, and right in the vicinity of large bands of Santee Indians, who had a reservation at Crow Creek, some distance above. Brown and his assistant fixed themselves as comfortably as they knew how, and patiently waited the advent of spring. The Santees furnished the only social entertainment during the winter, when occasionally a limited number were permitted to come aboard. The winter passed without exciting event, and in the spring a crew came up and assisted in releasing the boat without damage when the break up came.

Mr. Brown tells of an appalling destruction of buffalo from drowning in the spring. He believes there must have been hundreds of thousands of the animals lost from this cause. A vast herd attempted to cross to the south side of the river on the soft ice in early spring, some distance above Fort Buford, when the ice broke, and there was the most fearful and thrilling scrambling and bellowing, leaping and plunging that ever awoke the echoes of the Upper Missouri. The plains north and east of the Missouri had been covered with the animals during the winter, and when the herd started to cross in the spring, which was an annual occurrence with those that had wintered north of the stream, the column kept moving as buffalo invariably do when on the march, crowding those in front into the death-trap of broken ice until nearly the whole herd was destroyed; and the river for a long distance below was literally covered with their dead bodies. For weeks along the shores, for the distance of a hundred miles, the bodies of the drowned were washed up and piled in heaps where they decayed. Brown believes that it was one of the largest herds then in existence, and the diminution of the animal in such overwhelming numbers was remarked from that year. It will be recalled by the Dakotans of that day that the bison herds dwindled away abruptly and unexpectedly, which was attributed to Indians largely and to the white emigrants who were then pouring into the Idaho and Montana gold fields. No doubt there were large numbers killed by those parties, but the sudden and permanent disappearance of such a vast herd of old and young can not be accounted for by attributing it to emigrants or to Indians. The number thus taken would hardly have been observed at the time had not this catastrophe swept off such a multitude. This wholesale slaughter caused the breeding of myriads of mosquitoes, which for some years prior had been quite an annoyance to travel, no doubt due to a similar cause on a less extensive scale. The atmosphere was literally filled with them, and their buzzing was almost deafening. It was customary to station one or two attendants in the pilot house, who protected the person of the pilot, while he was engaged in his duty of guiding the vessel. Crew, passengers and officers all wore a guard over their persons when awake to protect them from the poisonous bite of the insect. Without such protection and vigilant defense, human life would have been endangered. The insects would have covered a body in such numbers, and poisoned it with their bites, that fatal injury would probably have resulted.

It was customary for these vast herds to cross the Missouri in the spring and fall. Several days might be occupied in their getting over at their usual leisurely pace. Steamboats occasionally ran into a herd thus engaged, and would be an entire day slowly picking its way through the swimming struggling mass. On such occasions the crew would be engaged in roping the calves within reach, and they would be hoisted aboard with a derrick and stabled. Mr. Brown relates one

occasion when from twenty to twenty-five calves were thus secured which were taken down to Leavenworth and sold, and kept by the Kansas purchasers for breeding purposes.

It was in the years 1870-71 that men conversant with the matter gave out an apprehension that the bison or buffalo herds of the western plains were not increasing, but appeared to be diminishing. The animal as a rule herded in immense numbers on the most fertile portions of the plains. Dakota was a favorite pasture ground, extending south through Nebraska, Kansas and Texas. Buffalo were migratory, traversing the western plains from south to north and from north to south again, feeding as they journeyed. They did not appear to have been always governed by the season in their migrations for they were known to be traveling south in the spring and fall, and in other years traveling north during the same seasons. They may have been governed by an instinct in selecting the region which would afford the best pasturage. They were usually found in herds of many thousands, and occasionally in smaller numbers escorted by a patriarch bull of invincible courage. The location of the large herds was well known to scouts and Indian hunters, but inexperienced white men, even after diligent search, would fail to find their feeding ground.

In 1859, during the first rush to the newly discovered Colorado gold fields, Horace Greeley, the founder of the New York Tribune, visited Colorado and Pike's Peak which at that time, by the way, were a part of the Territory of Kansas. He went out by way of the Kansas River to Fort Riley and Junction City, where he took the overland coach for Denver, following a new route on the divide between the Smoky Hill and Republican rivers. The second day out the coach bearing the distinguished traveler found itself confronted by a vast herd of buffalo, slowly wending its way north. As far as the eye could see, above and below, the sluggish moving animals filled the prairie so completely that it appeared dangerous to attempt to drive through them. The driver waited patiently for twenty-four hours, and Mr. Greeley's impatience was more intense than the man in charge. Finally it was resolved to attempt to pass through the herd, which showed no diminution in numbers though constantly moving north; and amid great danger from being crushed, which would have followed had the herd stampeded, the coach was driven through in six hours—at an estimated average of one mile an hour, for frequent stops were made. The herd was therefore estimated to be six miles in breadth, without any data for measuring how far it extended either north or south; but an estimate of from twelve to fifteen miles was subsequently made by a party of hunters who had encountered the same herd.

Military officers stationed at many of the frontier forts severely criticised the wanton slaughter of the animals by emigrants who in large numbers were crossing the plains to Utah, Montana, Idaho, and Colorado, who it was claimed shot them just for sport, or for their tongues only. The danger element was very slight in hunting buffalo. The bulls would frequently turn on the hunters and show fight, but as a rule the animals were not inclined to combat. Experienced hunters claimed that there was no more danger encountered in riding into a herd of buffalo and shooting them, than would be met with in a like herd of domestic cattle, particularly Texas cattle.

The buffalo and catfish furnished subsistence to many thousands of Indians for many generations in the land of the Dakotas, while trappers, traders, emigrants and the parties composing Government expeditions in exploring the country in early days drew upon these sources of supply almost altogether while prosecuting their employment. They were an important, almost an all important, factor in the early settlement of the great West.

A CLOUDBURST

A very severe storm visited the settled portions of Dakota on the night of May 30, 1868. It was accompanied by a heavy rain, with what the settlers called

cloudbursts, in spots, with some hail and a gale of wind that did a vast amount of damage. The storm covered the settled portion of Dakota from Fort Randall to Sioux City, and visited all the settlements along the Missouri Valley, continuing about seventeen hours. A number of buildings in Yankton were injured and the frame barn of the International Hotel, in which were a dozen horses was blown down but the animals escaped without injury. The gale lifted a heavy log from Colonel Moody's stable and drove it completely through the wall of his dwelling into the family sleeping room, but no one was injured. The dwelling was a frame building and the walls were filled in with chalk rock; was situated in the valley in the extreme northwest part of town. McIntyre and Allison lost 40,000 brick which had not been removed from their kilns. McIntyre also lost 35,000 feet of saw logs which had been rafted down the Missouri and were left over night in the river. The most remarkable result of the storm occurred on Choteau Creek, the western border of Bon Homme County.

A party of emigrants and freighters, having nine canvas-covered wagons, were encamped on the bank of the creek, asleep. One of the men was awakened by a loud roaring noise. He lifted the canvas and was amazed to behold a great wall of water coming down the creek, which he estimated was fifteen feet in height. The frequent flashes of lightning revealed this to him, and arousing his companions, they all fled to the near-by highland, but were overtaken by about three feet of water before they reached a secure retreat. Their wagons were all swept away and washed into the Missouri River, some three miles distant. Two trunks, containing each \$1,000 in greenbacks, were taken with the wagons, but one trunk was recovered near the mouth of the creek, having been thrown ashore. This phenomenal storm deluge of water was probably the effect of a cloudburst, and it must have extended and covered over a wide area for seven miles away, east, was the valley of Emanuel Creek on the bank of which Mr. McDaniels, a pioneer settler, had recently built a substantial log dwelling and was occupying it with his family. A loud roaring sound, similar to that which awakened the party on Choteau Creek, and at the same hour, awakened the McDaniels family. One of the boys ran to the door, and by the lightning flashes, which were almost incessant, saw a great wall of water plunging down the creek valley. He instantly ran out, after arousing the family, closed the door, climbed to the roof of the cabin, the water having already crossed the cabin threshold and was rising "a foot a minute." He then climbed to the roof of the cabin, through which he tore an opening large enough to permit the members of the family to escape to the roof. The cabin was half filled with water before all had been rescued. There were three sons, two daughters, and Mr. and Mrs. McDaniels on the roof, and there they remained, pelted by the storm, until daylight, when the gale and rain diminished, but they were unable to get back into their dwelling until near evening. Their sufferings were indescribable, for they were cold, thinly clad, drenched with rain, hungry almost to famishing, and the mother and daughters nearly perished. Their nearest neighbor was miles away, and nearly everything in the house had been soaked with water. Fortunately the family had some experience in pioneering. A peculiar and novel feature of the storm in that locality was the discovery of a large number of dead pickerel along the banks of the creeks, a species of fish that had never been found in these waters, nor in any of the streams of the neighboring counties. From this circumstance and from the immense volume of water that poured down the creeks and deluged a large area of land it was conjectured that they had been visited by a water spout, an unusual storm upon the land, that had taken these fish from rivers or lakes farther east and deposited them on the Dakota frontiers.

A PROSPEROUS YEAR

Immigration to Dakota improved in 1868 and Union, Lincoln, Minnehaha, Clay and Yankton counties received a large number of new settlers who took up

land. Bon Homme's rural population was also augmented—in fact Bon Homme had nothing but rural population, but being on the border of the Yankton Indian reserve, that had a tendency to deter the immigration of families. The estimates carefully made placed the population of the territory at 10,000, and it was claimed that the population had doubled during the preceding year of 1867 and 1868. Quite a large number of the discharged soldiers from the Union army came in. Lincoln and Minnehaha counties had also been attracting settlers, and when the census of 1870 was taken it was conceded that the estimate above referred to was made on a sound basis. Wyoming, or that portion of the territory then included in Laramie and Carter counties, was not included in the estimates of Dakota population, it being well understood that Wyoming's organization as a territory, which Congress had already provided for, would be completed in 1869.

The settlements north, east and west of Elk Point had grown rapidly for more than a year which added largely to the trade of the business center. At Fort Dakota (Sioux Falls), Charles K. Howard was supplying a growing population that was covering the vacant lands outside of the military reservation. At Canton, Wm. M. Cuppett & Company had built up a thriving trade in a few brief months. In Vermillion, McHenry and Compton were the leading merchants, and employed a large number of clerks and teamsters; they hauled large quantities of supplies from Sioux City which was the railway terminus, and shipped out the surplus grain of the farmers, which already amounted to thousands of bushels.

The business of Bramble & Miner, at Yankton, had grown remarkably and already amounted to hundreds of thousands annually. Moneyed men in the eastern states had begun to send their money to Dakota for investment, and the real estate market had more demands than it could readily supply. Town property brought as high, if not higher prices, at this time than a similar property could be bought for twenty years later.

CHAPTER XLIII

LAST ANNUAL SESSION OF THE LEGISLATURE

1868-69

LEGISLATIVE ASSEMBLY OF 1868-69—INDIANS IN THE BIG SIOUX VALLEY—MESSAGE OF THE GOVERNOR—CONTESTED SEATS—FUTURE SESSIONS TO BE BIENNIAL—THE TERRITORY OF WYOMING—OPENING OF THE BLACK HILLS AGITATED—WOMAN SUFFRAGE DEFEATED—TO ABOLISH THE TERRITORY OF DAKOTA—DECREASE OF BUFFALO HAS APPALLING RESULTS; INDIANS SUFFER FOR FOOD—FRIGHTFUL MORTALITY CAUSED BY PRAIRIE FIRE—PRESIDENT JOHNSON'S AMNESTY PROCLAMATION—DELEGATE BURLEIGH'S FAREWELL SPEECH IN CONGRESS, ASKS JUSTICE FOR THE INDIAN—INDIANS SUFFER FROM PRAIRIE FIRE.

The eighth session of the Legislative Assembly of the Territory of Dakota met at Yankton at the capitol building on the 7th day of December, A. D. 1868, at 12 o'clock M. The members of the House of Representatives met in their hall and proceeded to a temporary organization by the election of John L. Jolley, of Clay County, speaker, and George I. Foster, of Yankton County, chief clerk. The roll of members was then called as follows:

First District—Union County—G. P. Bennett, Calvin M. Brooks, John Clementson, J. T. Hewlett, Hiram Keith, R. T. Vinson. Second District—Clay County—N. G. Curtis, J. M. Eves, John L. Jolley, Lewis Larson, Joseph Moulin, Charles Ricker. Third District—Yankton County—Jacob Brauch, O. F. Haggin, A. W. Jamieson, Knud Larson, G. C. Moody. Fourth District—Bon Homme County—Alfred Abbott and James Keegan. Fifth District—Charles Mix County—Joseph LaRoche and M. H. Somers. Sixth District—Todd County—J. Shaw Gregory. Seventh District—Pembina County—Enos Stutsman. Eighth District—Laramie County—Charles D. Bradley.

The oath of office was administered by George H. Hand, United States attorney, whereupon the session was opened with prayer by Rev. Mr. Damon, of Union County, as follows:

Almighty God, thou hast created all things by the word of thy power, and in thy hand are the destinies of all created beings. We therefore approach thee and humbly ask thy blessings to rest upon this Assembly, which has met for the purpose of legislating for the good of our territory. Endue them with wisdom, that in all their deliberations they may have the glory of God and the good and prosperity of our country continually in view. May peace and harmony prevail and may we at last all be gathered to a home in Heaven, through Jesus Christ, our Lord. Amen.

The House then permanently organized by the election of G. C. Moody, of Yankton, speaker; Geo. I. Foster, of Yankton, chief clerk; Ed D. Barker, of Clay, assistant clerk; Edwin Gilham, of Union, enrolling clerk; Geo. W. Owens, Bon Homme, sergeant-at arms; Andrew Erickson, of Clay, messenger; C. B. Larson, of Clay, fireman; Rev. J. C. Damon, Union, chaplain.

The usual committees to notify the Council and governor of the organization of the House were appointed, and the House then adjourned until 10 o'clock Tuesday morning, the 8th.

The members of the Council assembled in the Council chamber of the capitol building at the hour of 12 o'clock M., December 7, 1868, when the roll of members was called by George I. Foster; former secretary, as follows: Union County

R. R. Green, Geo. W. Kellogg, N. J. Wallace. Clay County—H. J. Austin, Aaron Carpenter, A. H. Hampton. Yankton County—W. W. Brookings, W. W. Benedict, Chas. H. McIntyre and Chas. F. Rossteuscher. Bon Homme County—Hugh Fraley. Charles Mix County—Absent. Todd County—J. A. Lewis.

The members of the Council, except N. J. Wallace, of Union, and the member from Charles Mix, had been elected in 1867, for two years, and had taken the oath of office at the session of 1867. Chief Justice Bartlett administered the oath of office to Mr. Wallace. Council then organized by electing the following officers: President, W. W. Brookings, Yankton; secretary, Amos F. Shaw, Minnehaha; assistant secretary, S. W. Smith, Clay; enrolling clerk, Adolph Mauxsch, Yankton; sergeant-at-arms, Iver Bagstad, Yankton; fireman, T. C. Edwards, Union; messenger, P. M. Hussington, Bon Homme; chaplain, Rev. M. Hoyt, Yankton.

The resignation of R. I. Thomas, of Charles Mix County, was presented by Mr. Austin, with the credentials of C. T. Campbell, who claimed to succeed him.

Mr. Benedict presented the credentials of Bligh E. Wood, also claiming to be the successor of Mr. Thomas. These credentials were all referred to the Committee on Elections which was then appointed by the president, consisting of Messrs. Hampton, Kellogg and Rossteuscher.

The customary committees were appointed by the president to notify the governor and House of the organization of the Council; when the Council adjourned until the 8th, at 10 o'clock A. M.

On the second day of the session, the two houses met in joint convention at 11 o'clock A. M. when Governor Faulk delivered his third annual message, as follows:

EXTRACTS FROM THE GOVERNOR'S MESSAGE

The governor, in his annual message to the Legislature, congratulates that body and the people because of the prosperous and peaceful year the territory has enjoyed, and then touches briefly upon the organization of the Territory of Wyoming as a measure of justice, and greatly advantageous to the people of Dakota as well as Wyoming. Then follows an interesting chapter on our Indian relations and the new Indian reserve policy, which the governor is not inclined to favor, as will be gathered from the following:

The condition of the Indian tribes in Dakota has remained the same, in relation to the white citizens, as during the previous year. They are still friendly and show marked signs of progress in point of education and civilization. The Ponca and Yankton Indians deserve especial commendation for their faithful adherence to treaty stipulations, and for their industry and energy in the efforts put forth to obtain their subsistence by the cultivation of the soil instead of by the chase. The trade of the Missouri River has met with but little interruption during the past year from those less civilized and less friendly Indians who roam through the northwestern portion of the territory.

Since your last meeting I have received two lengthy petitions from citizens of Union County asking that steps may be taken for the removal of certain Indians who occasionally encamp in the valley of the Big Sioux or its tributaries, for hunting or trapping purposes or in the course of their periodical travels across the territory. The complaint is chiefly, as I am informed, against the Santees, or Mississippi Sioux, whose temporary reservation is below the mouth of the Niobrara, in Nebraska, and whose past history in Minnesota is of such a character as naturally to inspire a feeling of alarm and insecurity among the settlers. So long as we have ample assurance that these Indians are friendly, and are confining themselves strictly to a harmless effort to obtain a subsistence by hunting, fishing or trapping on the unoccupied public lands, it seems to me that good policy as well as the principles of justice, require that they be treated leniently at least, if not with friendship. It is not the policy of the Government to pen the Indians, friendly ones, on the reservations, where at certain periods of the year they are in danger of starvation; but rather, in consideration of their poverty, and their uncivilized and unenlightened condition, to encourage them to

make a peaceable effort to glean from the uninhabited prairies such subsistence as supply their temporary and simple wants. Yet the complaint of the inhabitants named is entitled to serious and respectful consideration not only from the executive and Legislature, but from the national Government as well. From the first settlement of these Minnesota Indians on our borders, we were led to believe that they were only placed there for a temporary purpose, and that they would soon be placed on a more permanent reservation, in some locality less dangerous and objectionable to the citizens, and more beneficial, because more settled and secure, for themselves. Up to the present time, however, nothing of importance has been done toward accomplishing so desirable an object. But now that the action and recommendations of the late Indian Peace Commission appear to have become the adopted policy of the Government, it is presumed that it would not be difficult, if an effort in that direction were properly made, to have these Indians removed to the new Indian district north of the Niobrara, and placed under the immediate supervision and control of General Harney, who, in the capacity of peace commissioner, is now engaged, and it is believed successfully, in endeavoring to inaugurate and put in practical force the policy indicated. Such an effort, if successful, would most likely relieve the inhabitants of this source of irritation and alarm, but which, if too long neglected, might involve us again in Indian conflicts, so disastrous and calamitous in its effects upon the newly formed settlements of this territory.

As intimated in my former message, that portion of Dakota lying west of the Missouri River, and between the Yellowstone on the north and the Niobrara on the south, has been set apart for the exclusive use and occupation of the various tribes of Indians who have heretofore occupied the Platte and Powder River countries, and for other tribes who may accept the terms proposed by the late Indian Peace Commission. In that message I stated my objections on behalf of the citizens of Dakota against the policy foreshadowed by the act of Congress of July, 1867, appointing this commission, which was supported by a suitable memorial from the Legislature; but, as it seems, without having received the favorable consideration from those who have in their hands, in a great measure, the control of our territorial destinies.

While it becomes our duty to acquiesce in the final decision of the federal authority, I see no reason to change the views I then expressed, as to the vast importance of the Black Hills country to the citizens who are destined to occupy this territory, or as to the fact that an Indian district which should embrace the minerals and pine timber of that region could not, in view of the past Indian history of this country, be a permanent one. Nevertheless, the decision is against us, and whatever chagrin or disappointment may be felt in consequence, we have but the alternative to submit and render a loyal obedience to those in authority over us. We should be willing to give the experiment a fair and impartial trial, and though it destroys for the present the brightest hopes yet entertained for the future of Dakota, it may not be altogether without its compensating benefits. If we lose the pine timber so much in demand on the Missouri slope, and the rich beds of mineral, the development of which, in our view, would have peopled that country with an industrious and enterprising population, we will gain additional markets for our merchandise, our stock and our grain by the location and feeding of additional bands of Indians in the valley of the Missouri. It will stimulate the raising of stock and the production of cereals required by this new demand upon our industry and our enterprise. It will be, of itself, no small inducement to immigration to all such as design to live by agricultural labor, and will no doubt encourage those who have already opened up farms to increase the amount of land now under cultivation. And again—the removal of the heretofore hostile Indians by treaty from the new Pacific Railroad to the district named, where they are to be guaranteed absolute freedom from molestation and the withdrawal of the military posts from the Powder River valley, would seem to assure the citizens of Dakota that prospect of quietude and exemption from Indian troubles which our first settlers did not possess, but which are so essential to our rapid growth in population and to our permanent prosperity as a people. Our first and most manifest necessity is peace, and probably we now need nothing more clearly than such perfect assurance of security from Indian wars and Indian alarms as these latest arrangements would seem to promise. Let this confidence once take possession of the public mind, and the tide of immigration thitherward will be increased ten-fold over what it has been even through the year that is passed. Such considerations furnish us our present and prospective compensation for the loss of the most promising and most valuable portion of this territory. In the meantime we may indulge in the faith that a more favorable day will yet dawn upon us, and at no remote period, when, with the consent of the Government and the Indian tribes, and without war, we may, like the Israelites of old, "go in and possess the land."

Since your last meeting no further important steps have been taken to secure the building of the railroads for which charters have already been granted, except to lay the subject before Congress and ask for land grants to aid in their construction. Congress, it is believed, looks upon these improvements with favor, and we may therefore hope to obtain the aid wanted at no distant day. Their construction would bring us within easy communication with the markets of the East, so essential to the proper encouragement of agricultural labor, and would be the means of bringing to our vicinity, at moderate prices, the products of Minnesota. In the advocacy and advancement to completion of these great territorial

enterprises we should act as a unit, and no local jealousies or conflict of individual interests should be allowed to stand in the way of their perfect success. Their commencement and completion are only a question of time. And that we are on the line of a continuous road soon to be built across the continent by way of the valley of the Missouri, more highly favored by natural advantages than the Union Pacific, and of scarcely less national or local importance when completed, is a fact which has impressed itself on the minds of some of the most intelligent and practical men of the East. One great incentive to the construction of such a work is the hazardous nature of the navigation of the Missouri. The heavy losses to the Government and to individuals annually occurring from this cause, and which are annually on the increase in proportion to the increase of trade, are even now bringing sagacious capitalists and statesmen to reflect upon the comparative speed, safety and economy of railroad transportation up the valley of the Missouri.

In conclusion, I most humbly invoke upon your deliberations the aid of that Divine Power which controls human governments, to the end that your legislative acts may conduce to the honor and welfare of the territory.

A. J. FAULK.

Yankton, December, 1868.

Mr. Bradley, of Laramie, introduced the first bill in the House; an act to provide for the organization of Laramie City.

The first bill introduced in the Council was by Mr. Rossteuscher; an act to define the qualifications for holding office in the Territory of Dakota; and No. 2, by the same councilman, to authorize the commissioners of Yankton County to raise money for the construction of the jail.

Mr. Brookings gave notice of a joint resolution relating to an appropriation for the survey of a canal from Yankton to the Big Sioux River, thence up the Rock River to the northern boundary of the State of Iowa, thence east to the Mississippi River.

On the fifth day the Committee on Elections in the Council made their report on the contest between Campbell and Wood. A majority of the committee, Messrs. Rossteuscher and Hampton reported that neither of the claimants was entitled to the seat, but made no recommendations. Mr. Kellogg, the minority reported that neither of said claimants was entitled to the seat, as no vacancy existed at the time of the election, and that B. E. Wood, one of the claimants resided on an Indian reservation, and was therefore ineligible. Mr. Kellogg desired that the seat be declared vacant. The Council refused to adopt Mr. Kellogg's report, whereupon Mr. Brookings moved to admit Mr. B. E. Wood on the ground that C. T. Campbell was a federal office holder, and disqualified thereby from holding a seat in the Legislature. Mr. Brookings' motion was adopted, and Mr. Wood was sworn in.

On the eighth day Mr. Brookings tendered his resignation as president of the Council, on the ground that he believed he could accomplish more for his constituents by occupying a seat on the floor; that he could not feel free to enter into the debates while presiding, and felt that he had already trespassed too much in that respect. His resignation was accepted and N. J. Wallace, of Union County, was elected president.

The bill to incorporate Laramie City, also to create the counties of Albany and Carbon, also in the Wyoming country were the first laws enacted.

Mr. Stutsman, who now represented Pembina County in the House, introduced a bill conferring the right of suffrage upon women over eighteen years of age.

The seat of A. J. Abbott, a House member from Bon Homme County, was contested by Mr. Robinson. The Committee on Elections, after investigation, reported in favor of Abbott, he having received one vote more than Robinson. The report was adopted, and Mr. Abbott retained the seat.

The reports of the territorial auditor, treasurer and superintendent of public instruction were made to the Legislature. There was remarkable harmony prevalent among the members of this Legislature. There seemed to be general agreement regarding all the measures introduced, with two or three exceptions, and the differences on the woman's suffrage bill and the prohibition bill were discussed good naturedly, leaving the inference that they were not considered

measures of prime importance at the time, though the women professed to be disappointed at the unfavorable action of the Council on their suffrage bill, after they had succeeded in getting it through the House.

This Legislature adjourned, *sine die*, on Friday, the 15th of January, 1869. The next session would not meet until December, 1870, Congress having enacted a biennial session law for all the territories. The new Territory of Wyoming would take away from Dakota in the meantime the counties of Laramie, Carter, Albany and Carbon leaving the Territory of Dakota without a Union Pacific Railroad, or a railroad of any name or kind. A partial list of the measures passed at this eighth session follows:

An act fixing the time of holding the Supreme Court; to grant permits to establish ferries on the Red River of the North outside the limits of organized counties; to provide for opening, vacating and change of highways; authorizing the commissioners of Clay County to build a bridge across the Vermillion River, and levy a tax therefor; concerning territorial roads; to provide schools for the Territory of Dakota; to encourage the planting and growing of timber; to provide for the partition of lands; to prevent the firing of woods, marshes and prairies; an act concerning revenue; to establish a code of criminal procedure; for the relief of the poor; to attach certain parts of Dakota Territory to the Second Judicial District; to protect the citizens of Dakota and elevate the medical profession; to provide for the payment of certain territorial warrants; defining the action of mandamus and prescribing the practice; authorizing the levy of a tax in each county for bridges; to amend the fence law; to provide for the service of process in counties where no courts are held; fixing the time for the territorial auditor and treasurer to make their annual reports; to incorporate the City of Yankton.

MEMORIALS

To establish a United States land office in the Red River Valley; for a grant of land to the Sioux City and Pacific Railroad from Sioux City up the Missouri Valley; protesting against the transfer of Indian bureau to the war department; to U. S. Grant, asking that W. W. Brookings be appointed governor of Dakota; for an additional land district on the Missouri River in Dakota; praying for the removal of Fort Dakota at Sioux Falls; to construct a wagon road down the Red River of the North from Fort Abercrombie; to the President relative to the Pembina Indians; for a grant of land to the Yankton and Columbus (Neb.) Railroad; asking relief for certain destitute Indians; for a grant of land to the Minnesota and Missouri River Railroad Company; for a survey of the vacated portion of the Fort Randall military reserve.

A bill was passed repealing the charter of the Dakota and Northwestern Railway; but was vetoed by the governor.

The bill introduced by Mr. Stutsman, conferring the right of suffrage upon Dakota women was passed by the House, but defeated in the Council—7 to 6. A bill introduced in the House by Mr. Brooks to prohibit the sale of spirituous liquors in the territory passed that body but was defeated in the Council.

TERRITORIAL FINANCES

The territorial treasurer submitted a report on December 31, 1868, to the Legislature, as also did I. T. Gore, territorial auditor. Among other matters discussed by Mr. M. K. Armstrong, who was the treasurer, was the Indian war debt of 1862. He said:

I desire to call the attention of the Legislature to the Indian war warrants of 1862 amounting to \$10,320.05. It is believed that if the Legislature would memorialize Congress on this matter, an appropriation could be secured from the Federal Government to reimburse the territory for that necessary and timely supply of men, material and subsistence in

defending this frontier against the devastations of the hostile Sioux. [Two years later Armstrong was elected delegate to Congress and succeeded in getting the appropriation he mentions for a larger amount. -Ed.]

Receipts by territorial treasurer for 1868:

Yankton County, of Michael Fisher, county treasurer.....	\$168.98
Union County, of Wm. Searls, county treasurer.....	184.25
Clay County, of Ole Bottolison, county treasurer.....	106.39
Bon Homme County, no report.....	
Charles Mix County, of county treasurer.....	20.17
Balance in treasury.....	\$ 5.25
Estimates for 1869:	
Yankton County	\$ 491.59
Union County	292.72
Clay County	138.33
Bon Homme County	47.18
Amount warrants outstanding	\$139.75
Estimated expenditures, 1869.....	600.00
Territorial tax levied.....	949.94
Estimated balance over expenditures	210.59

TO ABOLISH THE TERRITORY OF DAKOTA

An effort to abolish the territories of Dakota and Utah, by repealing their organic acts was made by Congressman Ashley, of Ohio, in January, 1869. His bill proposed to segregate Dakota, and attach the northern half to Minnesota and the southern portion to Nebraska. It was thought at the time that Ashley's move was not based upon any patriotic motive but was rather the result of personal animosity toward some of the leading men in Dakota. It is not even probable that the author of the bill had any hope of passing it, or that there were a dozen congressmen who could have been brought to favor it so far as Dakota was interested, but with Utah and the prevailing antagonism to polygamy, the sentiment was undoubtedly different. Still the audacity of the proposition and the disaster that it foreboded to the settlers of Dakota, created an uneasiness in the minds of our people. Mr. Ashley's alleged reasons for desiring the destruction of political Dakota were based on the general worthlessness of the territory as an agricultural region, incapable of supporting an agricultural population, arid, a grass-hopper land; and must for a century at least be the habitation of our Indian tribes. Mr. Ashley was a prominent member of Congress at the time, with considerable influence which occasioned quite an apprehension in the minds of many Dakotans that he might press the measure through the House, and thus, by implication, convey to the people of the country a suspicion that Dakota was a worthless region and its independence as a territory and future state seriously threatened. This might have alarmed the emigrant and turned him into other western sections; it would also have kept away eastern capital which was very much needed. This may have been the extent of Ashley's purpose at the time, for there was not the slightest probability that his nefarious measure could be passed through the Senate, or that the President would sign it. Public meetings were held at Vermillion, Yankton, Bon Homme, Elk Point and Canton that were called "indignation meetings," and Mr. Ashley as well as his bill was denounced in the most vigorous pioneer language. It would have been imprudent, at least, for Ashley to have shown himself in Dakota at that time. At these various meetings, resolutions were adopted setting forth what had been accomplished in Dakotan development; in securing immigration; the physical features of the territory that would be a barrier to the proposed change and other objections enumerated. These were sent to Washington and Mr. Burleigh, the delegate who presented them, made an excellent speech in opposition to the bill. Congress adjourned on the 4th of March and the Ashley bill was not even reported by the committee

and no further effort was even made to revive the ignoble and unpatriotic measure.

In connection with this bill for the abolition of Dakota Territory, the following remarks on the subject of the integrity of territorial governments, Dakota in particular, were submitted to the House on the 22d of February, 1869, by Hon. Walter A. Burleigh, who was the delegate from Dakota Territory at that time:

Mr. Speaker: In presenting the memorials and remonstrances of the citizens of Dakota against the passage of the bill reported to this House by the chairman of the Committee on Territories, which provides for the immediate destruction of Dakota and contemplates the annihilation of Utah at an early day, I will say that, in my judgment, it is one of the most unjust and impolitic measures that has ever been reported by a committee for the consideration of Congress. Unwise in its inception, as it will be found cruel and oppressive in its operation towards the people of the territories, I think this House cannot fail to see—what I know to be true—that its inevitable tendency will be the destruction of all confidence in the future action of Congress, by rendering insecure the rights and privileges of our citizens after having been guaranteed by organic laws. None of the rights and immunities which Congress guaranteed to the people of Dakota when it gave to them a territorial organization; none of the privileges which they acquired under their organic law, or which have been conferred upon them by local legislation had in conformity to that law, are by this bill respected in the slightest degree; on the contrary, they are utterly ignored, while the honorable chairman of the Committee on Territories, for himself and his colleagues, in the blindest and most deliberate manner, proposes to reduce to a state of vassalage the whole population of a great territory, in extent four times as large as the State of Ohio, by this most extraordinary and despotic act. Has it really come to this, that Congress will allow any one man to arrogate to himself and exercise the high prerogative of devising schemes for changing the boundaries of sovereign states and annihilating the great territorial organizations of the country at his own imperious will and pleasure? When before in the history of our national legislation has anything of this character been undertaken or thought of even? Never. So far from it, the boast of the American citizen has ever been that the safeguards of liberty are the common inheritance of all, the weak as well as the strong, the poor as well as the rich.

In 1861 the Territory of Dakota was organized by a solemn act of Congress. Emigration was invited there by that act. From almost every state in the Union people flocked to that new territory, settled upon its fertile lands, established their homes, and became law-abiding citizens. The Government guaranteed them protection; they in return rendered to the Government a loyal obedience. Owing to the distracted condition of the country and to the almost continuous Indian wars which raged within our borders, our growth was slow, but steady and permanent. Our Legislature met, and in strict conformity with the organic law which Congress gave us, we established our courts of justice, located our capital, and erected our public buildings by private enterprise, for Congress refused to build them for us as had been done for other territories, we believing that the plighted faith of this Government was a reality and not a mere myth. But, sir, how great is our disappointment! We are met here today, after having removed to these territories with our families and property, after having spent years of toil there, and suffered privation and want, and are stunned by the heartless proposition of the gentleman from Ohio, which proposes nothing less than the utter annihilation of our territorial organizations, the bankruptcy of our most enterprising citizens, and blasting of all our bright hopes of the future. These will be the inevitable consequences of the passage of this bill so far as Dakota is concerned.

By the organic act of March 2, 1861, creating the territorial government of Dakota, Congress provided for a republican form of government, having all the guarantees of the Federal Constitution and of said organic act. The Legislative Assembly had power under the twelfth section of said act "to locate and establish the seat of government for said territory," and it was located and established at Yankton in the spring of 1861—a point most eligible for such purpose. The government for the territory thus authorized became fully organized in the year 1861, and the citizens of other states emigrated to the new territory in large numbers upon the faith of the organic act. Then they purchased lands and erected buildings, imported flocks and herds, put up large and valuable improvements at Yankton, the capital, for the use of the federal officers and the Legislative Assembly. The people who came into the territory established their homes and made improvements with especial reference to the location of the capital, the establishment of the territorial roads and highways, and the location of a railroad from Yankton to Sioux City, connecting with all the lines north of the Ohio River leading to the Atlantic and the Pacific oceans. The population of Dakota has now reached more than twenty thousand souls, and the value of their improvements and property of all kinds amounts to many millions of dollars. The value of the buildings and much of the real estate depends upon the continuance and preservation of the territorial government under its organic act until the people shall apply to become a state, and all the improvements in the territory were made upon the faith of the express declaration and promise on the part of the Federal Government that the people should be guaranteed a republican form of government, with a fixed capital, established roads, highways,

schools, and other advantages arising from a government of the people under said organic act and the Constitution and laws of the United States.

Whether it be considered by this House good law or not, I accept as good common sense the principle that this organic act, connected with the settlement of a considerable portion of the territory and the full organization of the government under it, creates a solemn compact between the United States and the people of Dakota that they shall be protected in the peaceful enjoyment of that government so established until Dakota becomes a state of this Union. To destroy that government and annihilate Dakota by attaching a portion of its lands and people to Nebraska, and another portion of its lands and people to Minnesota, would be as great a political outrage as the partition of Poland. Pass this bill, and at one blow 50 per cent in value of all their improvements would be lost, and the people would be subjected to state taxation by two states for debts which they had no voice in contracting. To what end had these pioneers on the outposts of civilization fought the savages, the wild beasts, and endured all the hardships of such a life, if the plighted faith of the Government is to be broken, as this bill proposes, and they are to be transferred as vassals and serfs to other state governments without their consent?

When Congress passed that organic act and opened up Dakota's broad prairies to settlement, it extended a free and general invitation to the people of all the states and territories "to go in and possess the land." With that invitation the Federal Government guaranteed full and ample protection of life, liberty and property to every law-abiding citizen who should go there. There was an implied and an express contract entered into on the part of the United States with the citizens of Dakota that they should be protected in the enjoyment of every privilege, in the free exercise of every civil and political right, among the chief of which was the form of government created by the organic law. The people of Dakota have performed and fulfilled all the duties and conditions imposed upon them by this organic act; their rights have become vested and perfected under the common assent of all departments of the Government, and ever since the creation of the Federal Constitution there is not to be found a single instance of the destruction of an organized territorial government by act of Congress. From these territorial governments all of our states, except the original thirteen, have sprung, and the assent of all administrations for eighty-five years past, and of every Congress since the adoption of the Federal Constitution, in this uniform process of creating territorial governments that afterward became states, is conclusive against the nefarious object and design of this bill, to inaugurate a plan for the destruction of governments without the consent of the people, who are the only true source of political power. What necessity is there for this assault upon the people of Dakota? Who asks for it? No one except the Committee on Territories in this house. No one is to be benefited by it. Why, then, is the national faith to be broken, this Congress to be dishonored, and the people of that territory to be beggared, as will be the case if this bill becomes a law? The people of the territories which this bill seeks to destroy do not ask for this unprecedented legislation, nor do the states to which the dismembered and mutilated fragments are to be attached ask for it. It comes in here upon the sole motion of the honorable chairman of the Committee on Territories, who insists that the sins of the inhabitants of Utah, like the blood of murdered Abel, "cryeth unto him from the ground" for vengeance, and that Utah must be wiped out from the map of the nation on account of the sinful practices of its people and the anti-republican teachings of its prophets. But, sir, the destruction of Utah is not a sufficient sacrifice; it is too small a sin offering for the cause and the occasion. The close of the gentleman's term of most valuable and meritorious service in this House is too important an event to be allowed to pass unnoticed and unchronicled. With Utah, Dakota also is marked for destruction, for annihilation. This great territory of more than one hundred and seventy thousand square miles is to be blotted from the map of the nation. Not, however, for sins committed or sins conceived, not for anti-republican teachings or anti-republican tendencies, but for the all-important and vital purpose of making a prettier national map, just to please the scholars, and perhaps for the further purpose of turning over to Nebraska that portion of the territory lying south of the Missouri River which has recently been set apart for the use of the Sioux Indians, whose presence will require large supplies and heavy disbursements of money. It is not to be suspected that the remote prospect of a seat in the United States Senate from an adjacent territory has had anything to do with this plan to destroy Dakota and enlarge the boundaries of Montana and Wyoming. But wherein is the beauty of the national map improved even? Look at it and you will find its boundary lines extended, with all the angles, triangles and distortions that the science of geometry can devise. The sutures of a monkey's cranium are symmetrical when compared with them, while its improvement is as difficult to comprehend as is the wisdom or justice of the measure here proposed. What a luminous ideal. How pregnant with every principle of profound statesmanship is his wonderful conception of territorial reform. Does any person regard the necessity of a pretty map with beautiful lines and multitudinous angles as paramount to the maintenance of national faith in standing by the guarantees of protection to life, liberty, and property which this Government has pledged to the citizens, or for a moment suppose that by congressional action vice can be eradicated from the nation, or from a state, or from a territory even? As well might you attempt to legislate the sun from the heavens or banish from the hearts of men by legislative power their natural fondness for the fair sex—a slight excess of which appears to be the sole cause of Utah's present discomfiture. There must be

some other cause for this extraordinary proceeding, although I am compelled to admit that I have failed to discover it. It cannot be supposed that political combinations are being made by which new capitals are to supersede old ones regardless of the interests and without a word of consultation with the parties for whom Congress has already conceded this right.

But, sir, if the reasons which have been urged by the gentleman for the dismemberment of Dakota are valid and worthy the consideration of this Congress, why, I ask, have they been allowed to slumber so long? Why were they not urged at the time of its territorial organization? If they really exist now with our rapidly increasing population, accumulated wealth and multitudinous interests, how much more did they exist then? With how much more force and propriety might they have been pressed before the Congress of the nation breathed into its organization the breath of political life? Why this strange and unparalleled neglect in the discharge of this great public duty by the honorable chairman of the Committee on Territories? Has it not been his special province for many years past, rather, to care for the feeble, uphold the weak, and wait upon the great mother of territories and states, to sit by her bedside during the tedious hours of travail and administer to her his own favorite "maternal relief" as she brought forth these children of promise, two of whom the venerable accoucheur now desires Congress to slaughter, cut up, and throw their mutilated remains to two older and two younger members of the same family.

Is there any good reason for the extraordinary action here proposed? Is there anything unnatural? Is there any deformity in the case of these two offsprings of one common parent, both of whom have grown up under the scrutinizing eye and nursing care of the gentleman from Ohio? Does their vigorous youth in any way threaten the safety of our national family, its prosperity, or the extension of its power? Nothing of the kind is pretended, and I entreat him to exercise those parental virtues, patience, forbearance and nursing care which will do much toward removing the evils complained of, to abandon his rash design, to stay his "uplifted hand and outstretched arm," and not strike the murderous blow which he has so deliberately aimed at these two children of the great mother of states.

But, sir, if the inhabitants of Utah have sinned by adopting the patriarchal custom of polygamy, which is in opposition to the civilized and Christian system of monogamy, and if this alleged sin can only be expiated by depriving that territory of political life, I must solemnly protest, in the name of the loyal and free people of Dakota, in the name of my country, whose honor it seeks to destroy, against the right of this Congress or any other power beneath God's shining sun, to impute to them the crimes of the polygamists of which they are not guilty, or to punish them for transgressions which they have never committed. A more loyal, patriotic and law-abiding people than my constituents of Dakota cannot be found in the Union. During the late war they gave as large a proportion of their male population to the Union cause as any other territory. They organized their own troops to protect the inhabitants of Dakota and the frontiers of Iowa, Nebraska and Minnesota, from Indian depredations. They pursued a policy so wise and conciliatory toward the Indian tribes as to enable them to organize and equip a considerable Indian force that has always proved faithful and efficient in defense of the inhabitants of that territory against the hostile Indian tribes surrounding it. They challenge the scrutiny of the Committee on Territories in regard to the faithful manner in which the territorial government of Dakota has been administered. For economy, efficiency, and just policy, I know of no better example in the republic. While the whole southwestern and southern portion of our domain is in a blaze of Indian war that is costing the nation at the rate of \$40,000,000 a year, peace and tranquility reign uninterruptedly throughout Dakota under the wise and conciliatory policy pursued by her people in their dealings with the savages.

And now, sir, I appeal to this honorable body and ask if you will sanction, by your approval, a measure so fraught with injustice, bad faith, illegal and unconstitutional oppression and wrong as this bill? If the principles of justice and equity yet linger within this legislative hall, where the representatives of the people meet and exercise the sovereign power of this nation; if the binding force of the official oath still retains its solemn obligations; if, while so much time is spent in reconstructing states, it would be unwise to inaugurate a system for the destruction of organized territories, I ask that you will withhold your approval from this measure, so fraught with ruin, disaster and oppression to the loyal people of Dakota, whose vested rights and political existence it aims to destroy.

BURLEIGH'S VIEWS ON THE CONDUCT OF INDIAN AFFAIRS

The reader of this book has become somewhat acquainted with Hon. Walter A. Burleigh, the most prominent and for a time the most influential citizen in the affairs of the territory. He has been seen as an Indian agent, a citizen, a man of affairs, a politician, a philanthropist, and a delegate in Congress, but he has not revealed himself in his public addresses. Mr. Burleigh, while he did not excel as an orator, was an interesting speaker and spoke frequently during the political campaigns of his day at the different centers of population in the territory, but no record was made of his speeches. He never failed to have a numerous audience.

An occasion, however, when he was at liberty to express his views on the Indian policy of the Government, while holding his seat as delegate to Congress in the closing days of the session of 1868-69, came up in the House on February 9th, the Indian appropriation bill being under consideration, and the contest outside as well as inside of Congress, at that time being between the advocates of the "peace policy," so-called, and their opponents, the army policy defenders (though both factions were the avowed friends of peace, but differed radically in their methods of securing it).

Mr. Burleigh was entitled from experience and from study to speak somewhat authoritatively on this subject. It is due to him and to the untutored people whose welfare he was untiring in promoting that his views regarding the Indian policy should be understood by the people of Dakota whom he represented. His remarks on this subject were made in the House, February 27, 1869, and are here given in part, the purpose being to show his position with reference to the general policy of the government and the manner in which its stewardship of the Indian's interest had been discharged. This was his farewell speech in Congress.

Mr. Burleigh opened his remarks by showing that the Government had no well defined policy for the government of Indians; he then contrasted the national solicitude for the imported African with its oppression and cruelty towards the aboriginal inhabitants of our country, and speaking of the wrong inflicted on the Indian, he said:

We have driven the Indians from their homes without compensation and without mercy. We have wrested from them the title to their lands by pretended, or at least, ostensible purchase. We have withheld the payments until they were comparatively valueless, or refused them altogether on unfounded pretexts. We have paid them in depreciated currency when we agreed by solemn treaty to pay them in gold and silver; we have paid them in worthless trash when we promised them the money for their lands; we have defrauded the Indians in the fulfillment of our stipulations for their clothing and food and their agricultural, mechanical and educational advancement; we have failed to afford them our promised protection against the worse than barbarous whites which infest their settlements; we have hunted them down and murdered them like wild beasts of the forest; and what is worse than all these, our people have polluted every tribe in the land by poisoning the fountain of life from which the Indian springs with the most loathsome of diseases, more poisonous and destructive to the race than the sting of the scorpion, the bite of the serpent, or the leprosy of old; we have, in a word, violated every feature of our plighted faith in regard to them, and have seen them degenerate, suffer, and perish under our positive oppression or cruel neglect, while we have held them to the severest accountability for all the pledges of obedience and good behavior which we have extorted from them in our treaty negotiations. Our official records will fully substantiate all these allegations, disgraceful and humiliating as they are to our national pride and honor.

The speaker then reviewed the treaties which had been made with the Creeks, Cherokees, Delawares, and other tribes during the early days of our republic, showing in nearly every instance fraud and deceit on the part of the agents of the Government, both in securing the treaties and in carrying out their stipulations, and the record proved further that the Government itself had violated its pledges to the Indians in almost every instance. A striking example of the faithlessness of the Government toward the Delawares was then related, as follows:

In the darkest hour of our Revolutionary war with Great Britain, when our forefathers were struggling for life against the gigantic power and vast resources of the mother country, the proud mistress of the ocean, a flickering ray of hope was shed on the gloom overshadowing their cause by two treaties of alliance made with the United States, one on the part of France and the other on the part of the Delaware Nation, both of them concluded with great solemnity and ratified by acts of Congress in 1778. Great Britain had subsidized the six nations, the Mohawks, the Iroquois, and other tribes, and armed them to aid the troops of the crown in their efforts to defeat the Colonial forces. The emissaries of George III had circulated reports among the Indian tribes that the United States designed to extirpate the Indians and take possession of their country; and it was necessary to pledge the faith of the Government to the Delawares by that solemn treaty so as to arrest the disasters of the war and secure the aid and cooperation of that powerful nation. On the 17th of September, 1778, said treaty was concluded at Fort Pitt under the title

of "Articles of Agreement and Confederation," made and entered into by Andrew and Thomas Lewis, Esqrs., commissioners for and in behalf of the United States of one part, and Captain White Eyes, Capt. John Killbuck, Jr., and Captain Pipe, deputies and chief men of the Delaware Nation of the other part. By this treaty all former offenses were mutually forgiven, and perpetual peace and friendship declared to subsist between the United States and the Delaware Nation from thenceforth through all succeeding generations; a perpetual alliance, offensive and defensive, declared; an engagement on the part of the Delawares to aid the United States by furnishing their best and most expert warriors, to permit the United States troops to pass through the lands of the Delaware Nation; to supply the Colonial troops with corn, meat, horses, and everything else within their power. And in order that the old men, women and children should be protected while their warriors were battling for their own liberties and the liberties of our fathers, the United States agreed to build a fort to shelter and defend them against the dreaded attacks of the Mohawks and the Six Nations, and garrison with United States troops, if any could be spared.

The fourth article provides for the administration of justice by impartial trials before judges or juries of both parties, according to the laws, customs, and usages of the contracting parties, and for the surrender and delivery of criminal fugitives, servants and slaves escaping from the respective states of the Delaware Nation and the United States.

The fifth article declares that the confederation entered into by the Delaware Nation and the United States renders the Indians dependent on us for clothing, equipments and munitions of war; to provide for which an Indian trading agent is to be appointed by the United States, with an adequate salary, whose chief aim is to be the advancement of the mutual interests of the confederating parties.

The sixth article recites that "The enemies of the United States have endeavored by every artifice in their power to possess the Indians in general with the opinion that it is the design of the states aforesaid to extirpate the Indians and take possession of their country. To obviate such false suggestions the United States do guarantee to the aforesaid nation of Delawares and their heirs all their territorial rights in the fullest and most ample manner, as it hath been bounded by former treaties, as long as they, the said Delaware Nation, shall abide by and hold fast the chain of friendship now entered into. And it is further agreed between the contracting parties, should it be found conducive to the mutual interests of both parties, to invite any other tribes who have been friends to the interests of the United States, to join the present confederation and form a state whereof the Delaware Nation shall be the head and have a representation in Congress."

By the law of nations this treaty bound the United States to protect the rights thus guaranteed to the Delaware Nation. The territorial right of eminent domain to a state as large as Pennsylvania was expressly conceded to the Delawares by this treaty. It was under these promises and guarantees that the most expert and best warriors of that nation went forth to battle for the cause of liberty for themselves and our forefathers. Many of the best scouts were drawn from the warriors of the Delawares. Six hundred effective warriors were furnished General Washington by this devoted tribe during one season. The United States and the Delawares were both fighting on the same issue—for independence—from the British crown and of all the world. The brave warriors of the Indian Nation fought our battles; the tribe supplied our troops with food and horses; we paid them in continental money, unredeemed specimens of which remain among the Delawares to this day; the War of Independence closed with a halo of glory; the celebrated Delaware chief, Hengone Pushees, had won the rank of lieutenant colonel for his courage, daring and efficiency as a scout. He was gratefully thanked by General Washington for his invaluable services in the War of the Revolution; and this red hero, with his brave followers, went home to their wigwams to prepare for the admission of their state into the Union.

Where are they now? Alas, their braves are no more; their hearts have been broken by our ingratitude, by our base refusal to keep our treaty stipulations. On the 21st of January, 1785, they removed with the Wyandotts to Ohio and Indiana, this is to be the new state promised them. On the 6th of January, 1790, a part of the land ceded is taken away; on the 3d of August, 1795, many of the Indian tribes are placed on the Delaware lands; in June, 1803, their boundaries are diminished; on the 18th of August, 1804, they surrender more of their lands; on the 4th of July, 1805, a new boundary is established, and on the 21st of August, 1805, the Delawares release to the United States a portion of their lands; on the 3d of September, 1809, another cession is made to the United States, commissioners pretended that the lands allotted to the Delawares and Wyandotts belonged to the Miamies; on the 22d of July, 1814, the war with Great Britain induced us to make a second war treaty with the Delawares to procure their aid and to make a second faithless promise to establish the boundaries of their lands forever; on the 8th of September, 1815, the United States recognized the fidelity of the Delawares in taking up the tomahawk and going on the war path in defense of their unselfish allies of the pale faces; on the 3d of October, 1818, they ceded all their lands in Indiana, the Ohio lands having been ceded before. They removed to the White River in Missouri and Arkansas, and on the 24th of September, 1820, they are removed to the lands between the Kansas and the Missouri rivers, and a broken fragment of the nation that had gone to Cape Girardeau, in 1793, where they had received a grant from the Spanish governor for lands west of the Missouri in Kansas. But they are to hold these Kansas lands forever, this was to be their last removal.

boundaries were fixed by two large rivers, and the other two lines made the square complete which they were to hold forever. They were now happy; they had made great progress in agriculture and manufactures; in the raising of horses, sheep and cattle; and another fragment of the nation had been removed from a fertile, beautiful tract of land on the Sandusky River to a permanent home in Kansas, under the promise that the Delaware Nation should thereby be united under one head, and that thirty-six sections of land should be appropriated for the establishment of schools for the education of the Delaware children.

Where are these brave Delawares now? They have been driven from this last permanent home down near the Canadian River, and a pitiful tract of eighteen miles square is all the territory that remains for this once mighty nation which was to form a state; to have representation in Congress; to hold the vast lands held by them in 1778 by fixed boundaries as an independent state. That pitiful tract of eighteen miles square of land would hardly furnish sepulture for the heroes of that nation who have sacrificed their lives in battle in two great wars, and for the martyrs of that nation whose blood has been shed and whose hearts have been broken by the tyranny, ingratitude and cruelty of this magnanimous Government, whose Christian mission has been proudly proclaimed to the world to be to protect, nourish, cherish, civilize, educate and defend these wards and pupils of American civilization. With the history of this Indian nation before us, these friends of William Penn, these allies and soldiers of George Washington, these allies and soldiers of General Harrison, will not again be disturbed in their new home until some adjoining marauding band of pale-faced robbers covet it and apply to the Government of the United States to further protect, cherish and befriend their ancient allies, the Delawares, by driving them back to the waste of the American desert, where they will perish of hunger and furnish a poor repast for the prairie wolves.

History teaches us that retributive justice, sent from God, has overtaken all sinful nations, in all times. The crime of slavery has been expiated by the lives of a million of our countrymen, and our cruelty and bad faith toward our Indian wards is calling down upon us the righteous vengeance of heaven.

An outrage so horribly cruel as to exceed almost the bounds of belief was committed upon the Indians at Fort Kearney in 1856. The facts were substantially as follows: Two young Indians belonging to a party of Cheyennes were sent to the road to beg some tobacco of a driver of a mail wagon. The driver fired upon them, whereupon one of them, as the Indians themselves afterwards said, "being a fool and mad," shot an arrow and wounded the white man. The chief of the Cheyenne party, on seeing this, ran out with others to the protection of the mail driver and punished the young Indian who had shot the arrow by whipping him according to the Indian laws. But this whipping did not wipe out the Indian boy's offense. An "Indian outrage" must, of course, be made out of the case and the military be called on to avenge it. The next day, accordingly, the troops from the fort valorously sallied forth and attacked the Cheyenne party, who refused to fight them and ran away, leaving their horses, bows and arrows and robes in camp. Six young braves remained behind to make something like a formal surrender. They went up to the soldiers, threw down their arms, and held out their hands in sign of submission and were mercilessly shot down in cold blood when only a few yards from the troops.

Another instance: During the summer of 1854 some bands of Sioux were encamped within six miles of Fort Laramie. They were regarded as friendly Indians and were on terms of friendship with the officers of the fort. A man from a neighboring tribe, whose relations had the year before been slaughtered by the troops of the fort, happened to be among these bands of Sioux. Some Mormon emigrants passed by the Indian camp and a cow escaped from them and ran toward the Indian village. The Indian whose relatives had been killed, by way of revenge for the loss, killed the cow. Complaint was made at the fort, and the chiefs, upon being called upon, said they would see that reparation was made for the damage which had been done. But this was not satisfactory to the commanding officer. He detailed a brevet lieutenant with a company to arrest the Indian. The company proceeded to the Indian camp with two pieces of artillery. Demand was made to the chiefs, but the offending Indian said to them:

"I have taken a lodge here. I am willing to die. You have nothing to do with the matter; the responsibility is not upon your people, but upon me alone."

This remark was no sooner made to the lieutenant than he fired, killing one man and crippling the principal chief. The chiefs rallied and exhorted the men to commit no outrage. Their influence controlled the action of the Indians, but a drunken interpreter excited the lieutenant and caused him, perhaps, to fire his cannon. The next thing was the sounding of the war whoop, and the lieutenant and some of his men were killed. The others ran and were pursued by the Indians, and every man of them was slaughtered.

Who will say, reasoning from analogy and common sense, and especially from a philosophical view of Indian character, that the whites were not to blame in this case? And yet, concealing or distorting the facts, the ears of the public were made to tingle with the report of "another Indian massacre," and an official announcement from the war department deluded the Government and people into a belief that the affair was an ambushade and a part of a deliberate plan on the part of the Indians to massacre the troops and plunder the fort.

I will now cite another glaring case of injustice toward the Winnebagoes, a tribe of Indians formerly located in that portion of the Northwestern Territory which is now embraced in the State of Wisconsin. Our first treaty with these Indians was in 1816; since then we treated with them in 1820, 1832, 1837, 1848 and 1855. In 1862 we find the Winnebagoes located upon a beautiful reservation in the State of Minnesota, where they were prosperous and happy, many of them having acquired a practical knowledge of agriculture and the mechanical arts. Their treaty of February, 1855, had guaranteed to them a permanent home on a reservation eighteen miles square, and a large sum of money. There they had erected their houses, opened their farms, and remained perfectly peaceable. It was at this time that the Sioux outbreak took place in that state, but the Winnebagoes remained steadfast to their treaty obligations. But their time had again come. Their reservation, their lands, their homes, were demanded by the people of Minnesota. The permanent homes which the Government had guaranteed to them must be abandoned. Their attachment to the graves of their fathers and friends availed them not. The Government assented; it lent its aid to forcibly violate its own solemn treaty with these friendly Indians and without the least valid excuse force them from their comfortable houses to a barren and inhospitable country 500 miles westward on the Missouri River. There hundreds of these friendly Indians died from exposure and starvation. When sickness and suffering compelled them to seek the settlements for succor they were forced back by military power over stones and ice, marking their trail with the blood that trickled from their lacerated feet. I have seen among these same friendly Winnebagoes, while thus persecuted by the sanction of the Government, the starving infant struggling with fretful cries at the breast of a dying mother to draw the warmth of life from those nipples chilled and milkless under the embrace of death. Hundreds of these people died then and their bones are bleaching upon those inhospitable plains as monuments of foul disgrace to our nation by whose oppressive policy these innocents have been destroyed.

But all of these atrocities pale into insignificance before those committed upon the Indians of California, Oregon and Washington territories on the western slope. The massacre by Chivington at Sand Creek, Colorado, by which hundreds of men, women and helpless children were butchered in cold blood is another striking instance of our cruelty.

During the massacre in Minnesota in 1862 several white women and children were taken captives and carried to the Upper Missouri. Through the interposition of Colonel Galpin and a number of friendly Sioux, who exchanged their own horses for them, two women, and five little girls were ransomed and returned to their friends in Minnesota. The Indians who had performed this act of humanity traveled down to the Yankton agency, a distance of 400 miles, where they were to be reimbursed for this act by the Government. Week after week passed away and neither clothing nor food came to the relief of these faithful friends. Despairing of early relief, one morning ten of their number came to me for a letter, stating who they were, and obtained permission to go out and hunt for the support of themselves and families. The third morning out, and when on Ponca Creek, about twenty miles back of Fort Randall, which post was then garrisoned by the Sixth Iowa Cavalry, a Captain Moreland, in command of some twenty men, overtook them. They presented him with the letter I had given them for their protection, whereupon the captain requested them to leave their arms and go with him to the fort for food. The Indians obeyed, but had not proceeded eighty rods when the brutal captain ordered his men to fire upon the Indians, who were in advance, and murdered nine out of the ten in cold blood on the spot. The tenth member of the party escaped and bore the horrible tidings of this damnable tragedy to his kindred far up the Missouri, while the bones of his comrades still remain on that fatal spot to chronicle the foul deed and point unmistakably to the cause of the Sioux war which followed with fearful and just retaliation and cost the treasury of the nation more than thirty million dollars and the loss of hundreds of innocent lives.

These and similar outrages have been the cause of all our difficulties with the Indians; while with most of the tribes located on reservations, with annuities and under the control of agents, no trouble had been found. Especially had those Indians been peaceable and improved in the arts of civilized life who had been placed under state rule. The New York and New England Indians have exhibited no act of hostility for eighty five years, and have abandoned their roving and savage habits. In view of these facts I would favor the transfer by the Government of the Indians to the respective states and territories wherein they are located. None are so well fitted to take charge of our Indian tribes as the people who reside with them, whose lives and property, whose wives and children, are within reach of the tomahawk and the scalping knife; who are themselves always vitally interested in maintaining peaceful relations with the Indians by a uniform course of just, fair, and impartial dealing.

The interest on the money expended in carrying on our Indian wars would be sufficient to comfortably provide for all the Indians. All we have to do to quiet our Indian troubles and restore peace to the borders, and regain the confidence and friendship of the Indian, is to treat him kindly, deal with him justly, and convince him by humane acts that we mean to befriend and save him.

Instead of sending soldiers armed with instruments of death and munitions of war to demoralize, degrade and murder them, let us send philanthropists laden with peace and

clothing to feed the hungry and clothe the naked and all the implements of peace necessary for their physical, mental and moral advancement. Make comfortable homes for the poor, wandering tribes, feed and clothe them until they become sufficiently advanced in the arts or civilized life to provide for themselves. Teach the rising generation to till the soil, instruct them in the mechanic arts, in all the varied duties of domestic life, and raise them as rapidly as possible toward our own standard, thereby fitting them for a better mode of life, and their incorporation into the states and territories of the Union. No class of men are so easily managed, more harmless and reliable, than the North American Indian when once you possess their confidence; none more unmanageable, heartless and cruel than they when that confidence is destroyed by wrongs and oppression. The expense of feeding, clothing and providing homes for our 250,000 Indians does not exceed two million dollars annually and by adopting the humane policy we would save five times this amount, which now goes to support the army in the Indian country. Of two deficiency bills now pending before Congress, one calls for \$500,000 for feeding and taking care of 12,000 Indians for eight months, under the charge of General Harney; while the other calls for \$13,000,000 for carrying on our present Indian war in the Southwest for the last six months and against a much smaller number of Indians. Forty regiments of troops are now engaged in the Indian country, including the Kansas regiment, and the expense to the Government for carrying on this war will exceed forty million dollars a year.

Three years ago I proposed a plan to this House which looked to the setting apart of a large reservation in the Northwest for the exclusive use and occupancy of all the Indian tribes north of the Platte and east of the Rocky Mountains. I am still of the opinion that this is the true policy so far as the unlocated tribes are concerned, and that one or two other reservations should be set apart on the Pacific Coast for the location of the tribes west of the Rocky Mountains. Upon these reservations all the tribes should be located except those now provided for and which are advancing in civilization and toward citizenship. This course will close our Indian wars forever; this will restore peace, permanent and enduring in its character. It will do away with the necessity of at least two-thirds of our army; it will save from fifteen to thirty million dollars annually to the national treasury; it will save hundreds of valuable lives every year; it will obviate untold miseries, wipe out our national injustice, and reclaim the poor, neglected, down-trodden Indians from their present state of abject misery, and restore them to the enjoyment of life and its attendant blessings, which are the free gift of God to all his children.

Our "Indian Peace Commission" was organized two years ago. This commission is composed of the first men in the civil and military service. After a thorough investigation, had in the heart of the Indian country, these commissioners were forced to the conclusion that our troubles were due to the aggressions of the whites and bad faith on the part of the Government, and it was agreed by the commissioners that a radical change was demanded, and that a pacific policy was the only one which promised success. Accordingly, treaties were negotiated with nearly all the tribes east of the Rocky Mountains, and although the stipulations for food and clothing were long delayed by the Government, the 30,000 Sioux who were parties to the treaties had remained perfectly friendly, and will continue so as long as we fulfill our part of the obligation.

General Harney, an officer of the regular army, who has seen more than fifty years of honorable service, much of which has been in the Indian country, was selected as one of the commissioners. He was present and took part in making all these late treaties. He knew just what they contained, what they meant, and was wisely selected to take charge of the large district which has been set apart for the sole use and occupancy of the Sioux Nation. It was late in the season when this veteran officer undertook the herculean task of locating and feeding these Indians through the approaching winter. The only means of transportation to the district was up the Missouri River, the waters of which were so low as to more than double the cost of transportation. There had been but \$200,000 placed in his hands to enable him to carry into effect the solemn treaties with the Sioux, who, upon the faith of its guarantees, had just abandoned the warpath and pledged themselves on a future life of peace and friendship. The number of Indians who, by the terms of this treaty, were to receive a pound of beef and a pound of flour per day, exceeded twenty-five thousand in number. Provision had to be made to feed them for at least six months. After making allowance for those who could not get into the reservation before spring, it was estimated that 15,000 would have to be subsisted for at least six months before supplies could reach them in the spring. This alone would require 3,600,000 pounds of beef, which, at a cost of 12 cents a pound, amounts to \$432,000; and 3,600,000 pounds of flour, at 10 cents per pound, \$360,000; a total of \$792,000. In addition to these articles it was provided by treaty that houses should be built, sawmills erected, horses and cattle purchased, farming and mechanical implements supplied for the use of the Indians. For the faithful performance of which General Harney was supplied with the insignificant sum of \$200,000. He went forward, encountered the difficulty and overcame it. He realized that the issues of peace and war were in his hands. To fail to carry out the letter and spirit of the treaty was to rekindle the flame of a long, cruel and costly Indian war throughout the Northwest, while the discharge of the national obligation promised the enjoyment of peace and tranquillity throughout that entire section of country which had so long been the scene of savage warfare. By the honest, fearless and determined efforts of this just man, this true patriot and philanthro-

pist, the peace and safety of our frontiers have been secured, a long and cruel war averted or arrested, and millions of dollars saved to the treasury, while the warmest gratitude of unnumbered thousands of our citizens in the Northwest attest the value of the meritorious services which he has rendered to them and the country.

But two methods for the adjustment of these difficulties are now thought of. That proposed and so successfully inaugurated by the peace commission commends itself to the favorable consideration of the Christian statesman and philanthropist, and the true economist. By its adoption the Indians will witness our returning good faith and rejoice; they will abandon the warpath and settle down on their reservations; peace and safety will reign uninterruptedly throughout our entire territorial domain; hope will once more be lighted in the red man's heart, and the spirit of his brave progenitors will again elevate his depressed nature. On the contrary, if war, murder, robbery and rapine are to be persisted in, and the policy of extermination, or subjugation even, is to be carried out, our frontiers are doomed to a fresh baptism of fire and blood unparalleled in the history of Indian warfare, and our national treasury will be doomed to inevitable bankruptcy.

Mr. Speaker, I have entered on the last month of my congressional duties. I neither ask nor desire political honors. A sense of duty alone has prompted me to the consideration of this subject. On the pages of my country's history these feeble utterances in behalf of this down-trodden race will stand as a lasting admonition of past cruelty and neglect toward all the Indian tribes of this country, and as a warning of judgment to come, if time continues and God reigns, unless we discharge the obligations which he has imposed upon this Government toward this oppressed and persecuted people.

RECONSTRUCTION COMPLETE. PRESIDENT PROCLAIMS PARDON AND AMNESTY

President Johnson's final proclamation restoring to citizenship all who had been engaged in rebellion against the Government was promulgated on December 24, 1868. The great majority of offenders had been cured of their political disabilities at an earlier period but there had been many exceptions of those who had been mainly instrumental in bringing on the war. This proclamation leaves none outside the pale of citizenship:

Whereas, the President of the United States has heretofore set forth several proclamations of amnesty and pardon to persons who were concerned in the late rebellion against the lawful of the Government of the United States, which proclamations were severally issued on December 8, 1863; March 26, 1864; May 29, 1865; September 7, 1866; and July 6th of the present year; and,

Whereas, the authority of the Federal Government having been established in all the states and territories within the jurisdiction of the United States, it is believed that such prudential reservations and exceptions as at the dates of said several proclamations were deemed necessary and proper, may be now wisely and justly relinquished, and that an universal amnesty proclamation for participation in said rebellion be extended to all who have borne any part therein will tend to secure permanent peace, order and prosperity throughout the land, and to renew and fully restore confidence and fraternal feeling among the whole people, and their respect for and attachment to the national Government, designed by its patriotic founders for the general good.

Now, therefore, be it known, that I, Andrew Johnson, President of the United States, by virtue of the power and authority in me vested by the Constitution, and in the name of the sovereign people of the United States, do hereby proclaim and declare, unconditionally and without reservation, to all and every person who directly or indirectly participated in the late insurrection and rebellion, full pardon and amnesty for the offense of treason against the United States, or of adhering to their enemies during the late war, with the restoration of all rights and privileges under the Constitution and laws, which have been made in pursuance thereof.

In testimony whereof I have signed these presents with my hand and have caused the seal of the United States to be hereunto affixed.

Done at the City of Washington, this 20th day of December, in the year of our Lord one thousand eight hundred and sixty-eight, and of the Independence of the United States of America, the ninety-third.

By the President,

(Signed)

ANDREW JOHNSON

F. W. SEWARD,
Acting Secretary of State.

INDIANS SUFFER FROM PRAIRIE FIRE

Later in the year a disaster befell a band of Yanktons under Chief Two Bears, who were out on Knife River, a western tributary of the upper Missouri. In

their fall hunt to get their winter's supply of meat. There were about one hundred families in the band, numbering all told about five hundred people and a relation of their misfortune will serve to exhibit the calamities the poor natives had to contend with. They had encamped near the stream and had set up their tepees, numbering about one hundred in the tall grass bordering the river. It was in October and the grass was in condition to burn fiercely. A prairie fire swept in on the little village in the evening, and came so rapidly that their danger was imminent before they realized it, for many had been engaged in efforts to check the onspeeding flames. The smoke blinded them, and suffocated a number. It was particularly severe on the women and little people. Sixty of the tepees were burned and nine of the men received fatal injuries, dying during the fire. Many of the squaws were seriously burned and disfigured for life, while the children suffered intensely. One little fellow had his fingers burned off and his hand scorched to a crisp. Many of the children were severely burned in the face, hands and feet. These Indians lost all their blankets, a large quantity of flour and a large store of meat. Nearly one-half of the number had been so severely burned as to require medical aid. The weeping and wailing of the mourners, the moans of the suffering men and women, and the cries and shrieks of the tortured children formed a scene of woe and despair of the most pathetic description. The United States Indian agent at Grand River Agency being notified, removed the sufferers to the agency, where they received the best medical treatment and care that could be given at that place, and kept them until they were able to be sent home to the Yankton Agency. Many of them were permanently crippled, and all bore marks of the ordeal of fire through which they had passed.

A cold wave swept over the Dakota plains early in March, 1869, and the fifth day of that month was dangerously cold, the mercury sinking to twenty-five below zero. A party of Santee Indians who had been in camp on the Vermillion River for a few weeks prior, broke camp and started out for Fort Dakota at Sioux Falls. An aged squaw, named Owincatowin—"Blue-all-Over"—became exhausted four miles from the fort and lay down. Her Indian husband fixed a tepee over her and covered her with blankets, then went to the fort and set up their lodge near the stockade. The husband then returned for his squaw, found the tepee and blankets, but the woman had disappeared. Search was made for an entire day and the venerable Owincatowin was finally discovered sitting on bare ground, with her hands to her mouth, frozen stark and stiff.

A trapper named Kolshauff, a discharged soldier from the fort, who had been trapping on the Sioux all winter was fatally frozen during the same cold spell.

CHAPTER XLIV

GENERAL ULYSSES S. GRANT, PRESIDENT

1869

PRESIDENT GRANT INAUGURATED—HIS WONDERFUL CAREER—CHANGE IN TERRITORIAL OFFICIALS—WYOMING TERRITORY ORGANIZED—THE NEW INDIAN PEACE POLICY—PRESIDENT DISCUSSED INDIAN QUESTION—GENERAL SHERIDAN STATES THE MILITARY VIEW—IRISH REPUBLICANS, JOHN POPE HODNETT—THE TERRITORY IN 1869—INDIAN TREATIES—BRITISH OFFICER SHOT BY SENTINEL ON STEAMBOAT—BOHEMIAN IMMIGRATION—ABUNDANT CROPS—AGRICULTURAL SOCIETY ORGANIZED—THE YEAR 1869—COUNTIES ORGANIZED.

At the beginning of the career of Dakota Territory in 1861, there resided at Galena, Illinois, an industrious, frugal and exemplary citizen who was engaged in operating a tannery. The great War of the Rebellion was inaugurated almost simultaneously with the organization of Dakota, and the United States having been since the close of the Mexican war, on a peace footing, save an occasional uprising of warlike Indians, or refractory Mormons, the regular army had dwindled to a comparatively small force; and a large proportion of its officers, being southern men, had resigned their commissions and accepted positions in the army of the Southern Confederacy. This left the Federal Government practically without an army at a time when its perpetuity was threatened and the dissolution of the union of states already declared.

The only reliance and recourse of the Federal Government in this crisis was the masses of loyal people, almost wholly inexperienced and untrained for military service; but it was the only resource—the dernier ressort—and President Lincoln promptly called upon the states to furnish 75,000 volunteers. There was a prompt and overwhelming response. A certain ratio of the number was allotted to each state and Illinois was among the number. Governor Richard Yates was the executive at the time, and his call for militiamen brought thousands of intrepid volunteers to Springfield; but few were qualified to undertake the important duty of organizing them into companies and regiments and preparing them for actual war.

The unostentatious tanner of Galena was among the number who responded, and in tendering his services to the governor he asked to be placed where he could do the most good. He was accepted and promptly employed in the work of organizing, disciplining, drilling and equipping the raw recruits. He had been a lieutenant and captain in the regular army, was an educated soldier, and a graduate of the West Point Military Academy, and had served with credit during the war with Mexico in 1847-8. He had a wife and young children to support, and the army did not appeal to him as offering the best inducements for a home, for which reason he had resigned his commission several years prior to the breaking out of the Civil war, and entered upon an industrious life as a civilian.

The work of organization at Springfield was hastily completed because of the emergency which demanded defenders. Three hundred thousand additional volunteers had been called for. The war had actually begun, and in nearly all

the southern states the Confederate forces were in the field. There was a hostile force threatening Northern Missouri and Governor Yates hesitatingly commissioned his efficient helpmeet in organization, as colonel of the Twenty-first Regiment of Illinois Volunteers (infantry) after the troops of the regiment had refused to go into service with their former colonel. The regiment was mustered into the service of the United States, and its colonel was dispatched with his untried recruits to the threatened district of the neighboring southern state, Missouri.

We now turn to a page of the Colonel's biography and glean an account of this, his first experience as a military commander:

My sensations as we approached what might be a "field of battle" were anything but agreeable. I had been in all the engagements in Mexico that it was possible for one man to be in, but not in command. If some one else had been colonel and I lieutenant-colonel, I do not think I would have felt any trepidation.

I received orders at Palmyra to move against Col. Thomas Harris, who was said to be encamped at the little town of Florida, some twenty-five miles south of where we then were. At the time we had no transportation and the country about Salt River was sparsely settled, so it took some time to collect teams and wagons and drivers to move our camp and garrison equipage, provisions and ammunition. While preparations for moving were going on I felt quite comfortable, but when I got on the road and found every house deserted, I was anything but easy. In the twenty-five miles we had to march we did not see a person, old or young, male or female, except two horsemen who were on a road that crossed ours. As soon as they saw us they decamped as fast as their animals could carry them. We halted at night and proceeded the next morning at an early hour. Harris had been encamped in a creek bottom for the purpose of being near water. The hills on either side of the creek extend to a considerable height, possibly more than a hundred feet. As we approached the brow of the hill, from which it was expected we could see Harris' camp, and possibly find his men ready formed to meet us, my heart kept getting higher and higher, until it felt to me as though it was in my throat. I would have given anything then to have been back in Illinois, but I had not the moral courage to halt and consider what to do. I kept right on. When we reached a point from which the valley below was in full view, I halted. The place where Harris had been encamped a few days before was still there, and the marks of a recent encampment were plainly visible, but the troops were gone. My heart resumed its place. It occurred to me at once that Harris had been as much afraid of me as I had been of him. This was a view of the question I had never taken before, but it was one I never forgot afterwards. From that event to the close of the war I never experienced trepidation upon confronting an enemy, though I always felt more or less anxiety. I never forgot that he had as much reason to fear my forces as I had his. The lesson was valuable.

Harris had been apprised of the coming of the Union troops and for reasons that will be appreciated by military men, had removed his camp three or four days before the Twenty-first Illinois reached their deserted camp.

We will not follow the career of the Illinois colonel through the succeeding eight years further than to mention that the unassuming citizen of Galena of 1861 is now, in 1869, President of the United States, chosen to that high and responsible office by an overwhelming majority of his countrymen, who gave their almost unanimous voice to his election. His wonderful career through the Civil war had been one of remarkable successes and no serious failures. His name became a talisman of victory. The initials of his name, U. S., were suggestive, and he came to be famous as United States Grant, Uncle Sam Grant, Uniform Success Grant, Unconditional Surrender Grant, Unequalled Soldier Grant, and many other appellatives of like character. He rose from the rank of colonel to the generalship of the army, a rank previously held only by Washington and bestowed on him by special acts of Congress. No military or civil career in the annals of our country exhibits more fairly earned laurels or rapid and honorable promotion.

NEW FEDERAL OFFICIALS FOR DAKOTA

The inauguration of Ulysses S. Grant as President of the United States, March 4, 1869, was the signal for a radical change in the official roster of Dakota Territory as it had been under President Johnson. Many of our territorial lead-



GENERAL WILLIAM H. H. BEADLE

ers, men who had worked strenuously and spent their own money for the success of the straight republican ticket, were grievously disappointed to see all the good plums go to outsiders—in fact they were indignant. They had counted with certainty on the secretaryship, the surveyor general, and others not necessary to mention. These positions dispensed valuable patronage which gave them a peculiar value. Mr. Brookings secured a judgeship which was the only recognition the victorious republican party was awarded; while Judge Kidder, who ran for Congress on the people's ticket, and United States Marshal Litchfield, who supported him, were reappointed. It was suggested at Washington, as a consolation to the Dakotans (who were numerously represented there), that by sending us new men to fill the offices, they were assisting in populating the territory with very desirable people.

Grant's newly appointed officials were John A. Burbank, of Indiana, for governor, vice Andrew J. Faulk; Turney M. Wilkins, Iowa, secretary, vice S. L. Spink, elected to Congress; George W. French, Maine, chief justice, vice Ara Bartlett; Jefferson P. Kidder and W. W. Brookings, associate justices. Judge Kidder succeeded himself and Mr. Brookings succeeded John W. Boyle, third district; William H. H. Beadle, Wisconsin, surveyor general, vice William W. Tripp.

The office of surveyor-general appears to have been conceded to a certain congressional district of Wisconsin in 1869, with an indefinite tenure, when Gen. W. H. H. Beadle, of Grant County, that state, was appointed to that position. It was a report in official circles at that time, that Mr. Beadle was a growing favorite for the nomination of representative to Congress by the republicans of his Wisconsin district, which alarmed the then incumbent, who was a very competent and ambitious gentleman and earnestly desired to retain the place. Perceiving that Beadle might be a formidable opponent he made a determined and successful effort to secure his appointment to the office of surveyor-general of Dakota. This was good policy and good politics, and somewhat in line with the counsel given by Gen. James H. Lane, of Kansas, who held a commission as major general in the volunteer army during the early days of the Civil war, and who was desirous of being elected United States Senator from that state when it was admitted into the Union. He was bitterly opposed in his senatorial ambition, but there were a number of prominent Kansans who were eager for promotion in the army and knowing this Lane frankly told them that the course of least resistance lay in their "boosting him" into the senatorship when they could have the military position. His suggestion was acted upon. After Mr. Beadle, the surveyor-general of Dakota came with unremitting regularity from Grant County, Wisconsin, until President Cleveland came in and changed the program. George H. Hand was United States attorney, Dakota. No change was made in this office for the reason that Mr. Hand's term had not expired. Laban H. Litchfield, Dakota, United States marshal, succeeded himself. N. J. Wallace of Union County and Benj. F. Campbell, of Clay County, respectively register and receiver of the United States land office, Vermillion, vice George Stickney and Nelson Miner. Gilbert P. Bennett, Union County collector and John Pope Hodnett, Illinois, assessor internal revenue, vice William Shriner, of Clay, and D. M. Mills of Union County. Agent of the Wahpeton and Sisseton Sioux Indians, Jarrett W. Daniels. Governor Burbank was the brother-in-law of United States Senator Morton, of Indiana, who had won fame as the energetic war governor of the Hoosier state during the Rebellion, and was a close friend of the President as well as a leader in the Senate. The land office and internal revenue appointments were given, with the exception of Hodnett to the republicans recommended by Delegate Spink.

WYOMING

The Territory of Wyoming was finally erected into a separate territory, in April, 1890, when President Grant appointed and the Senate confirmed the fol-

ing officers: Governor, John A. Campbell; secretary, Ed M. Lee; chief justice, John H. Howe; associate justices, John W. Kingman, Wm. Jones; surveyor-general, Edward Ruger; United States marshal, C. Howe; United States attorney, Joseph M. Carey; receiver United States land office, Frank Walcott.

There were two sections of the organic act of the new territory that were of special interest to Dakotans—the boundaries and the date when the act became operative. Though passed and approved in 1868, it did not go into effect until the federal officers were appointed as above noted. These two sections named are appended:

BOUNDARIES OF WYOMING

That all that part of the United States described as follows: Commencing at the intersection of the 27th meridian of longitude west from Washington with the 45th degree of north latitude, and running thence west to the 34th meridian of west longitude; thence south to the 41st degree of north latitude; thence east to the 27th meridian of west longitude; and thence north to the place of beginning; be and the same is hereby organized into a temporary government by the name of the Territory of Wyoming.

The various provisions of the act, with the exceptions given here were almost identical with the organic act of Dakota. The last section, No. 17, enacted as follows:

And be it further enacted, that this act shall take effect from and after the time when the executive and judicial officers herein provided for shall have been duly appointed and qualified; Provided, That all general territorial laws of the Territory of Dakota, at the time this act shall take effect, shall be and continue in force throughout the said territory until repealed by the legislative authority of said territory, except such laws as relate to the possession or occupation of mines or mining claims.

Approved, July 25, 1868.

NEW INDIAN POLICY

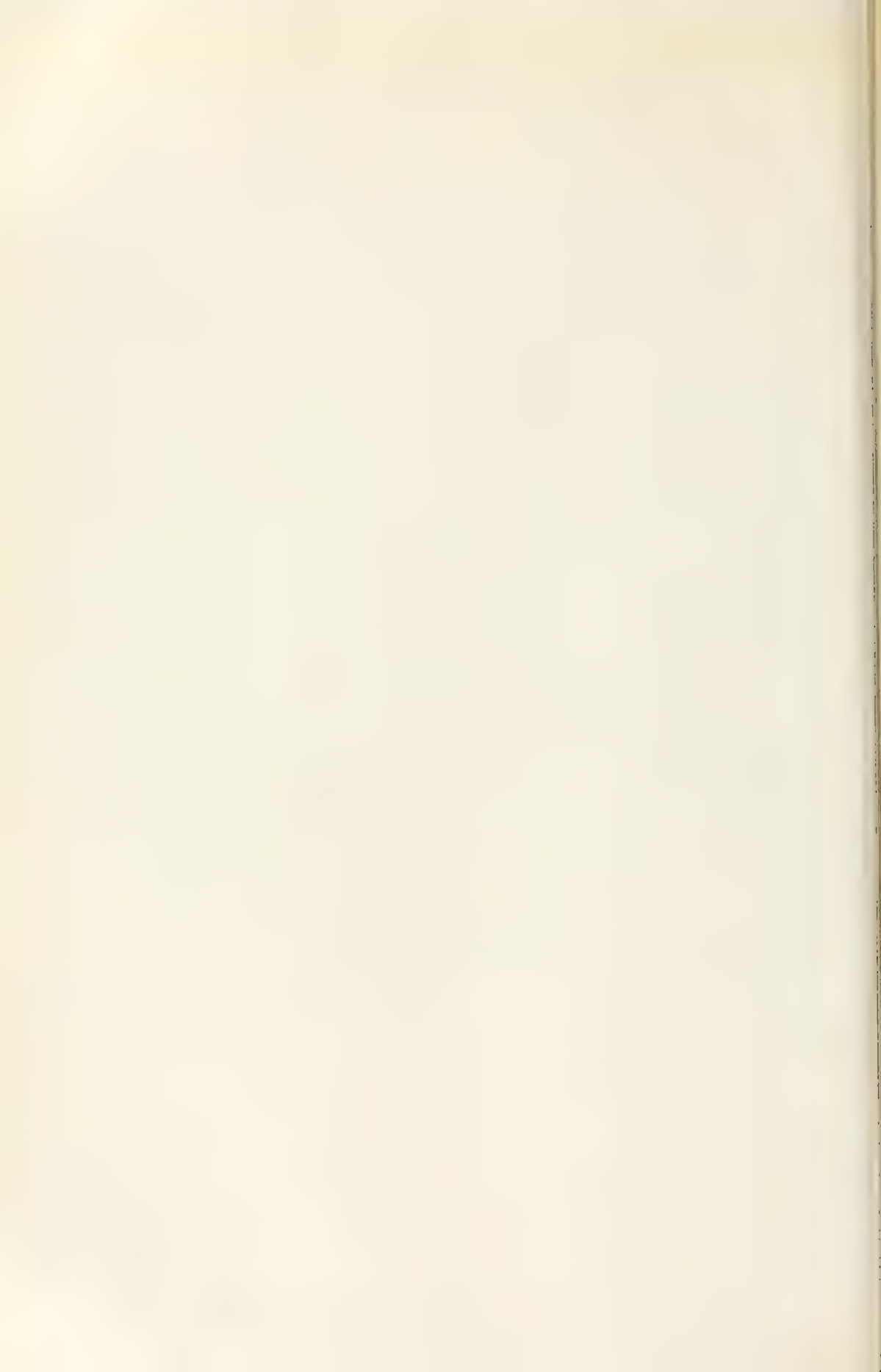
A new Indian policy was inaugurated with the coming in of President Grant's administration in 1869. Henceforth it was intended to rely mainly upon peaceful diplomacy and ample rations, etc., to control the Indian wards. General Sherman's treaties, made in 1868, with the hostile Sioux were relied upon, if faithfully executed on the part of the Government, to maintain peaceful relations not only between the Indians and whites, but between the various Indian nations. The first step in the new departure was a practical divorce of the Indian bureau from party politics. The religious denominations, including the Quakers, were recognized and a large proportion of the agents were taken from the army and assigned to duty as Indian agents at the various agencies. In Dakota, Capt. Dewitt C. Poole was assigned to the Whetstone Agency; Bvt. Maj. G. W. Randall to the Cheyenne Agency; Bvt. Maj. J. A. Hearn to Grand River; Capt. Wm. J. Broatch to the Yankton Agency; Bvt. Maj. W. H. French, to Crow Creek; Bvt. Maj. W. H. Hugo, to the Poncas; Capt. H. Clifford to the Upper Missouri tribes, and a Quaker, Samuel Jenney, succeeded Maj. J. M. Stone, of Yankton, as agent of the Santees, at Niobrara. Maj. Pat Conger, at the Yankton Agency, Dr. Joel A. Potter at the Ponca, and Maj. J. R. Hanson, in charge at Crow Creek and the Upper Missouri Agency, were relieved. By virtue of his office as governor, John A. Burbank became superintendent of Indian affairs for Dakota Territory. General Parker, of New York, a full blooded Oneida Indian, who had served on the staff of General Grant during the war for the Union, was appointed commissioner of Indian affairs.

While there was no Indian war in the Dakotas in the year 1869, there were a number of Indian bands at large which had not deserted the warpath in accordance with the peace treaties and which hung around the forts and along the trails and highways, seeking an opportunity to rob and kill white people. They claimed that they were not parties to the peace treaties and would not be gov-



GOVERNOR JOHN A. BURBANK

Fourth governor of Dakota Territory. Served from May, 1869, to December, 1874. Had been reappointed but resigned a few months later.



erned by them. They were implacable enemies of the white race on general principles. The purpose and character of their attacks on the forts is described in the following letter from Fort Stevenson, August 4, 1869. The writer says:

We were attacked by a band of Sioux Indians, numbering about seventy, at 6 o'clock this morning, and repulsed them with a loss on their part of ten killed and — wounded, while on our side no one was injured. They were after a lot of oxen belonging to a train from Fort Totten, that came here for military stores and forage brought up and landed here by steamboats. They succeeded in putting five arrows into one animal, and came very near neiping two bull whackers. These attacks are quite frequent, and the Indians seldom fail to kill or wound some of us. This band belongs to the Little Bull faction. They are too lazy to hunt, but have fleet horses, and prefer to fight and gather spoils from the whites. They are not very well armed.

A battle in which Indians were the combatants was fought near the Ponca reservation and not over twenty-five miles from Fort Randall, on the 18th of September, 1869. The tribes engaged were the Pawnees, said to number 500, and an equal number of Sioux—Yanktons and Santees. The Sioux had been stealing ponies from the Pawnees on the Platte, and were followed to Dakota by the Pawnees, who made reparation by stealing a large number of Sioux ponies. The invaders, with the spoils, were overtaken by the Sioux at the place mentioned and an all day's battle followed, in which the Sioux were worsted with severe loss, and the Pawnees made good their escape, with their booty, to their own country.

The Indians in the far Northwest, who had not been parties to the treaties of 1868, were troublesome in 1869 and committed a number of atrocities. General Sheridan, who was in command of the military division of Missouri, which included Dakota, in a letter to General Sherman, who was then commanding the United States army, gave an account of Indian affairs in the West and Northwest that was no doubt true and was strongly prejudicial to the Indians, tending to arouse a popular sentiment favorable to a war that would practically exterminate all the wild tribes. This led to a brief war with the Piegan Indians in Montana, and the annihilation, practically, of what was known as Red Horn's band. At the session of Congress following the condition of the Indians and their relation to the Government formed a prominent subject in the President's message and in the department reports. President Grant was not disposed to throw all the blame on the redmen, and cited the fact that no provision, or no adequate provision, had been made to carry out the treaty obligations of the Government; and the secretary of the interior, in his report, expressed his conviction that it was unfair to put the whole blame on the savages. He said:

The great cause of all our difficulty with the wild tribes is the fact that civilized settlements are constantly narrowing the boundaries of their hunting grounds, crowding them out of regions which they have by immemorial tradition regarded as their own; while no thoroughly consistent good faith is kept in redeeming the promises we made to them as a condition of their acquiescence in the new order of things.

The secretary had reference to the new peace and industrial reservation policy of the Government, which had been put in practical operation only to a limited extent; and recommends that Congress make an explicit definition of the purposes of the Government on the subject of Indian treaties, and take such action as in their wisdom may seem best to "avert the evils that now seem imminent." He concludes:

If I were to waive all questions or inquiry as to the material objections of a Christian nation under such circumstances, I think it would be demonstrably clear that, as a mere question of pecuniary economy, it will be cheaper to feed every adult Indian now living, even to sleepy surfeiting, during his natural life, while their children are being educated to agriculture, than it would be to carry on a general Indian war even for one year. The shocking barbarities and mutilations of the dead, of prisoners, which are often referred to, are the usual accompaniment of Indian warfare. By preserving peace we may hope to avoid

them, and I cannot believe it is beyond the wisdom and resources of a great nation like our own, to give a peace policy a thorough trial.

SHERIDAN'S STATEMENT

As there are two sides to many questions, so there were two sides to this Indian question, and the views of a prominent military commander will give the situation from that standpoint. In an official communication to General Sherman, in March, 1870, General Sheridan stated the position of the army in clear and vigorous terms, as follows:

The reservation is the "last ditch" to the wild Indian, but to get him there he must be forced by the troops. Those who think he can be induced to go there by other means are mistaken. When on the reservation he will have to be kept there by the presence of troops, and thus become tangible for the good work of civilization; and he can only be protected in his rights while there by troops keeping off the emigrants who entrench upon his land. All these points are practically exhibited each year.

The Cheyennes, Arrapahoes, Comanches, Kiowas and Apaches have just been forced on by the troops. During the last year, as soon as I withdrew the troops from the Sac and Fox Reservation, the emigrants took possession. A flood of emigration, almost ten thousand strong, moved in solid mass and occupied the Osage Reservation, because there were no troops there to keep them off. All the other reservations on which the Indians may yet be placed will be lost in the same manner unless guarded by the military.

Yours truly,

P. H. SHERIDAN,
Lieutenant-General.

IRISH REPUBLICANS

John Pope Hodnett, of Chicago, was appointed assessor of internal revenue for the District of Dakota Territory in April, 1869, succeeding David M. Mills, of Elk Point. Mr. Hodnett, though a young man of not more than thirty years of age, had been a leader of a political element in the United States known as "Irish republicans." Prior to the Civil war it was rarely one met an Irishman who was not a democrat. They seemed to find a congenial political brotherhood in that party, and it was a general belief that this was largely due to the influence thrown around them in the City of New York upon their reaching this country from their native land. As a rule the democratic party has governed New York City for nearly three-quarters of a century, and the officials of that city whose duties required them to mingle with foreigners coming into the country could quietly influence their political opinions regarding questions in the new land of freedom to which they had come. Other powerful influences, not political, were also said to favor the democratic organization prior to the great rebellion. This mighty conflict between the Federal Government and the seceding states opened a way for northern democrats to align themselves anew politically. Prior to this secession the southern or slaveholding states, including those that attempted to withdraw from the Union, formed the citadel of the democratic party, and seldom failed to exhibit a united front in favor of the democratic candidate for the President and vice president, and with the aid of New York State which, owing to the immense voting population of New York City being largely democratic, was enabled to control the presidency and the policy of the nation. It was therefore a matter of important national interest to begin the political education of the emigrants, who have been pouring into the country from foreign shores ever since this republic was founded, as early as possible after their arrival, in order to start them right, which, by the guardians of the City of New York, was supposed to be via the democratic highway. And this was done for scores of years.

The great war emancipated the slaves and abolished slavery in the United States. It also united, practically, the northern people against a dissolution of the Union, and brought the northern democrats and republicans shoulder to shoulder on the battlefield and at the ballot box during the continuance of the war. Out

of this situation grew the conditions from which Irish republicanism sprung, which, coupled with the Fenian movement which had for its purpose the emancipation of Ireland from English domination gave to the new Irish republican organization a weighty voice in the arena of politics, and the voice was being uttered in distinct tones and in unambiguous language by hundreds of eloquent Irish republicans all over the land. The organization was more of a western than an eastern association in its inception. "On the free soil of the West that had never been tainted by the footprints of a slave, Irish republicanism had its birth," as its eloquent speakers claimed and its numerical strength came from the central and western portions of the country largely. The new political aspect produced by the war gave the democrats of the North an opportunity to align themselves with the same party to which the republicans were attached, namely, the union party, without bolting their organization or betraying any political trust, and a very large number of leading democrats, famous afterwards as soldiers and statesmen, remained ever after in the republican camp. Mr. Hodnett was prominent in this movement; a native Irishman; a fine speaker, though somewhat given to the fanciful and flowery imagery of oratory; and President Grant had selected him with others for federal favors in recognition of the political element they represented. Mr. Hodnett entered heartily into whatever was being done to build up and develop the territory and induce hither the tide of immigration which was flowing out from the older states. During the first summer of his residence he took up a claim about seven miles north of Yankton, a beautiful tract of prairie. There happened at the time of his settlement to be a small sheet of water embraced within its boundaries, to which the new owner gave the name of Lake Lalla Rookh. In the exuberance of his fancy he arrayed his new possessions in the apparel of romance, clothing them with beautiful groves, waving grain fields, and brilliant gardens; regarding the lake, he declared, in the lines of Moore, that:

There is not in this wide world a valley so sweet
As the vale in whose bosom the bright waters meet;
O, the last rays of feeling and life must depart,
Ere the bloom of that valley shall fade from my heart.

Surrounding Mr. Hodnett's terrestrial gem, filings were made for Col. John M. Collins, provost marshal of Alexandria, Virginia; William Hodnett, Esq., A. B. M., LL. D.; G. W. Babcock, clothier, 390 Broadway, New York; John Griffie Hallowin, merchant, 320 Broadway, New York; Thos. H. Keefe, of the firm of C. B. Farwell & Company, Chicago; Archibald Craig, Esq., Brooklyn; Daniel Destere Farrell and James Thompson, Chicago. These were all men of wealth, and the avowed intention was to make fine improvements by breaking, sinking wells, planting groves and erecting buildings. The grand plan, however, failed to mature. His eminent and honorable neighbors were too deeply engrossed in other affairs to give their attention to the improvement of Dakota prairies, and even Mr. Hodnett's ardor cooled in time, Lalla Rookh losing all of its charm and nearly all its sparkling water later in the season during a prolonged dry spell. The claim was abandoned but Mr. Hodnett did some valiant service by public lectures at eastern points in behalf of the territory.

AN INTERNATIONAL CASE

The frontier of civilization had advanced well into the Yankton Indian cession by 1870 but there was yet a wide area left in which marauding Indian bands belonging to the tribes beyond, committed their depredations and were frequently bold enough to attack the sentinels at the forts and capture Government horses and cattle. The Yanktons had begun a new career, a large number of them putting aside forever the methods and garb to which they had been accustomed, and were devoting themselves to civilized industry, to the education of their children, and to the building of substantial cabins. Christian associations had been given

almost absolute control of the education and religious welfare of the red men, and very largely of their material welfare also. The Episcopal society erected three church buildings and three mission houses on the Yankton reservation, and established four schools where the average attendance was about sixty pupils in each school.

The American Board of Missions had about seventy-five pupils under instruction. The custom of disposing of their dead by laying their bodies upon scaffolds had been abandoned largely, and the ceremonies usual at Christian funerals adopted, while the mortal remains were confined and consigned to the mother earth. But beyond the Yanktons many scores of miles, hundreds of hardy adventurers had gone and established wood yards along the river for the accommodation of the 100 steamboats that were then plying the River Missouri, and these people had frequent fatal quarrels with the Indians. It will never be known how many of them were killed, and in many instances their correct names were never reported, so many of them passed under a pioneer sobriquet describing some physical peculiarity. Steamboats were frequently fired into—and all boats carried passengers as well as freight—so that human life on the upper river was by no means safe and secure. An incident of fatal shooting that grew out of this serious condition, though the Indians were not directly concerned in it, occurred early in June, 1870, on board the steamboat *Octavia*, between Forts Berthold and Buford. A captain of the British army named Spear had taken passage on the boat for Fort Benton, where he would find an escort to take him to some point in the British possessions where his regiment was stationed. Owing to the hostile spirit of the Indians in that region, and their boldness in their marauding expeditions, a squad of soldiers accompanied the *Octavia* as they did other boats in the upper waters, for the purpose of guarding the boat at night when it was tied up to the shore. The *Octavia* had laid above Berthold, in a neighborhood where a guerrilla band of Indians was suspected of lurking, and the sentinels had strict orders regarding the challenging of any parties moving about the boat at night, and when a challenge was not answered to assume that the party was an enemy and fire. Private William Barry, of Company E, Thirteenth United States Infantry, was on guard on the hurricane deck in rear of the pilot house, and sometime after midnight heard someone approaching whose footsteps he judged to be someone wearing moccasins or in bare feet. He challenged in a loud voice, "Who comes there?" He received no answer, and waiting a reasonable time drew up and fired, killing Captain Spear, who chanced to be aboard bare-footed, possibly in quest of a more comfortable place than his heated stateroom. The soldier was placed under arrest and rather harshly treated, though he had, undoubtedly, acted in good faith in obeying orders; but his victim being a British subject, it was felt that the affair would have to be rigidly investigated and a satisfactory showing made, or the British lion would require placating by a large indemnity from Uncle Sam and possibly the life of the soldier. Barry was not only confined and bound on the boat, but was kept nine days in irons at Fort Buford, and another month in the guard-house, when he was turned over to the civil authorities and sent to Yankton, the nearest point within the judicial district where the charge could be legally investigated. Here he had a preliminary examination before United States Commissioner Congleton, he having been charged with murder, and was discharged, the commissioner finding that the killing was not unlawful or criminal, but was committed in the discharge of duty specially imposed on him by the discipline in force on the boat, and that Captain Spear had exposed himself in violation of the well known rules in force on the boat. Barry started back to his regiment, but in the meantime the British ambassador at Washington had taken up the matter and demanded a more rigid and thorough investigation by the court. Barry was the second time arrested under instructions from Washington to have the case tried in court, the testimony made a matter of record and sent to Washington together with the findings of the court, and there was to be no



VERMILLION ON THE HIGHLAND ADJOINING THE LOWER TOWN IN 1869



VERMILLION, LOCATED ON THE MISSOURI BOTTOM LAND

Washed away by the flood of 1881



hesitation in procuring all evidence because of cost. The case was subsequently tried at Vermillion before Judge Kidder, where the British government was represented. The result was a clean acquittal of the prisoner, who was found amply justified, considering the critical situation of the boat on the occasion when the lamentable affair occurred. The British lion's wrath was fully appeased when all the facts were laid before the ambassador, who confessed that had the unfortunate affair happened in her majesty's dominions, the soldier would not only have been justified, but would have received a substantial token of her majesty's approval because of his courage and faithfulness to duty.

Notwithstanding the prosperous condition of the territory at this time and the apparent freedom from any apprehension of danger that existed among the great body of rural settlers, there was barely a week that did not bring intelligence of Indian hostilities in the upper country, and numerous marauding parties were abroad on the plains watching an opportunity to commit some depredation. The Indians were pledged to peace by their treaties, and the large majority observed the treaty; but it seemed such an easy matter to violate it by many of the younger element who had no personal connection with making it, and many of them regarded the pledge as given under duress. At any rate the military forces were kept constantly employed north of the 45th parallel.

HOMICIDE AT TOTTEN

On the night of April 30, 1870, John Ahlfeldt, orderly sergeant of Company D, United States Infantry, was shot and instantly killed at his quarters at Fort Totten. John Holt, a private, was sleeping with the orderly, and at or near 9 o'clock at night he heard someone come to the orderly's door and ask for a light, which was customary for the soldiers to do. The orderly got up and lit a lantern and went to the door, which he opened, and he then discovered that the person was preparing to shoot him, when he ran to the other door of his room, and had opened it ready to escape when he was shot through the body, expiring almost instantly. Holt claimed that the voice of the party who did the shooting was that of James Kehoe, and on this statement, Kehoe, who was found in his bunk with his pantaloons on, and a cartridge box open on his bunk, was placed under arrest charged with the crime, and confined in the guardhouse. General Whistler, who was in command of the fort, and Captain Wainright, appeared at the scene of the shooting right after it occurred and after hearing Holt's statement, directed the arrest and confinement.

The prisoner was turned over to the civil authorities, and there being no court at that time nearer than the Second District, at Yankton, Kehoe was taken to that place and confined until the next term of the tribunal which was held in June, when Kehoe was indicted by the United States grand jury; but the case was not tried until the following October. At the trial the evidence produced against Kehoe was the same as has been stated, with the addition that he was intoxicated when he went to his bunk. Kehoe's defense rested mainly in the absence of any motive for the commission of the crime, and on the testimony of a soldier in the adjoining bunk that Kehoe did not leave his bed from the time he first retired until arrested. And one witness swore that he saw the flash of the gun which was used in the shooting at the parade ground, which could not have been seen had the shot been fired from the door, as testified by Holt. The only evidence connecting Kehoe with the affair was that of Holt, who claimed that he identified his voice. The case occupied six days, Kehoe being defended by ex-Judge Ara Bartlett, Gen. Wm. Tripp, Bartlett Tripp, and J. D. Boyer. Warren Cowles, United States district attorney, prosecuted. The jury, after an all night's session, brought in a verdict of "not guilty," and Kehoe was discharged. Ahlfeldt, the slain orderly, was a native of Denmark, a young man about twenty-six years old, and highly respected. He had been an officer in the volunteer service during the Civil war. His murderer was never discovered; but

the event served to arouse considerable public criticism of the loose and lawless methods that it was alleged were prevalent at the frontier military posts, and other Government stations; but which were not brought to public notice through the legally constituted tribunals.

WINTER WHEAT

The first recorded effort and experiment to grow winter wheat in Dakota was made by John J. Thompson, on his farm ten miles east of Yankton. He began on a very small scale in 1869, with encouraging results, and in the fall of 1870 put in forty acres, from which he reaped such a harvest as to attract attention not alone in the territory but in Iowa. Prior to that time it had been affirmed by farmers that the snowfall was too precarious in the territory for successful winter wheat culture, and that the plant was almost certain to be winter killed, because of the high winds which blew the surface soil away during our dry and comparatively snowless winters. Mr. Thompson's success was not accepted as determining the matter; and but little attention was given to the cultivation of any but the spring variety until possibly twenty years later, when the cultivation of winter wheat being better understood, was again undertaken in the southeastern part of the territory. Wheat is not the principal crop grown on these southern farms, but nearly every homesteader persists in raising a few acres for "company," and it is now generally conceded that the winter variety is a surer crop because it receives the benefit of the rains in early spring which gives it such early progress that it is not affected by the dry weather which frequently prevails when the spring crop most needs moisture.

BOHEMIAN IMMIGRATION

A large colony of Bohemians, numbering about five hundred families, from Chicago and vicinity, through their advance agents Frank Bem, Vac Janda, and others, selected a location in Bon Homme and Yankton counties, and in the vicinity of the old Town of Niobrara, Nebraska, in July, 1869. These agents had visited other portions of Nebraska and Dakota, and finally settled upon this locality as offering the best lands for farming purposes, with the most promising prospect for rapid development of the country. The tract of land selected in Dakota embraced a little over four townships, in Southwestern Yankton County and Southeastern Bon Homme County, about equally divided between these two counties. The settlement began in the neighborhood of Lakeport, ten miles west of Yankton. The colonists reached Yankton in September, 1869, and all, with few exceptions that settled in town, selected their claims during the fall months, and many of them made small improvements, going so far as to construct sod houses that would furnish them a winter dwelling and enable them to get to work early in the spring. The approaching winter proved unusually severe, and the spring of 1870 was tardy in its advent. Those of the colonists who lived in their hastily constructed sod houses suffered hardships, and many of them were sick and unable to do any sort of work. The citizens of the towns opened their purses and relieved the most needy. Doctor Burleigh, whose large farm near Bon Homme adjoined the Bohemians, displayed his generosity by going among them and administering to those who needed medical assistance; he also loaned them, without charge, a large number of cows, also horses and wagons and did a great deal for their comfort and for the relief of their pressing necessities. It was claimed that the colony numbered not less than twelve hundred men, women and children, a very large proportion settling on this Dakota tract. Vac Janda settled, with a number of others, at and around the old Town of Niobrara, Nebraska. The following year the colonists set to work in earnest, broke up a large amount of land, built farm buildings and raised a quantity of sod crops. They were an industrious class of people, a large proportion of good

farmers, and quite enterprising. It may be stated too that as a class they were well provided with money, and some of them were reputed to be quite wealthy. The colony in time prospered remarkably, and has continued prosperously. Their settlement is now one of the wealthiest, best improved and most productive portions of the territory that was. Many of the farms are adorned with fine orchards and substantial modern residences and up-to-date improvements, with all the accessories needful in profitable farming. Many of the original colonists have passed away, but their descendants as a rule maintain the old homesteads and are annually adding to the productions, the beauty and wealth of the settlement.

The Bohemian settlement extended about twelve miles northwest, and the same west of Yankton into Bon Homme County. Their first buildings were rude, but their improvements were substantial, and two years after their colony was founded, they were raising large crops of grain and had begun the starting of herds of fine cattle. Being well experienced in fruit culture, they began experiments with apple and cherry orchards at an early day, and have been very successful in this direction. Their settlement now abounds with fine orchards and they have already been compelled to seek a market for their fruit outside the territory.

GOOD CROPS AND LARGE VEGETABLES

Dakota had reached a point in the development of its agricultural resources when nature was pleased to surprise the cultivators of the soil with a variety of products that could be classed as extraordinary for size and weight, and in 1869, which had been a propitious season for all products of the soil, the good dame had been more prodigal of its favors in this regard than had been customary. It was an excellent season to inaugurate a county agricultural fair. In the little towns along the Missouri Valley, Elk Point, Vermillion, Yankton, Bon Homme, and even Fort Randall, the stores and market places were embellished with mammoth squashes, huge pumpkins, golden corn, No. 1 wheat, oats and barley, stacks of onions, pyramids of potatoes, and so on, and the farmers and gardeners who furnished them, with one accord declared that what they had left at home far surpassed that which they had brought in for exhibition. The soil of the older farms of the territory had now become domesticated by tillage, and was prepared to take advantage of the favorable climatic conditions. The farmers declared that many of their squashes and pumpkins were so large and heavy that they could not load them in their wagons, and many of the varieties were of such superior quality that they intended to ship them back to their former neighbors and friends in the East that they might become eye-witnesses of the products of "grasshopper-ridden" and "drouth-stricken" Dakota soil. Michael Robinson, of Smutty Bear, exhibited sixteen onions whose united weight was twenty-two pounds. Those who had tears to shed were invited to a raw onion feast. Doctor Thomas became locally famous for his success in raising celery. Thomas C. Watson, of Brule Creek, displayed sweet potatoes that weighed four pounds each; Joseph Emerson, of Yankton County, exhibited early Goodrich potatoes that made the "eyes stick out," not the eyes of the tubers, however. Emerson's melons, sweet corn, oyster plant, and other products of his well tilled garden made an attractive exhibit. Judge Kidder, on his Vermillion farm, raised potatoes as well as corn, etc., and from one hill dug out twelve that weighed altogether sixteen pounds. Harry Ash raised beets that were twenty inches in length and eighteen inches in circumference. Politics, railroad and all ordinary topics were relegated, and everyone talked of these marvelous productions. Nature had been in an over-generous mood for the purpose apparently of convincing the Dakota people and the world generally that the soil of Dakota was peer of any section of the Union.

A TERRITORIAL FAIR THE FIRST

As all portions of the territory where settlements had existed for a few years were indulging an enthusiasm over this unwonted generosity on the part of Mother Earth, there were many who saw in the occasion an inviting time to stimulate emigration to the territory. In Yankton an organization was effected for this purpose, and also with a view of forming a county agricultural society. A numerously attended meeting followed at the schoolhouse, where a county organization was effected to be known as the Yankton County Agricultural Society and Bureau of Immigration. Gen. J. B. S. Todd was elected president of the association; A. J. Faulk, vice president; Mark M. Parmer, treasurer; and T. A. Kingsbury, secretary. An executive committee was appointed made up of Chas. H. McIntyre, W. P. Lyman, W. A. Burleigh, John Stanage, and M. K. Armstrong. It was declared to be the object of the association to hold a county exhibition if thought feasible; and also to disseminate among the people of the eastern states reliable information regarding Dakota and its agricultural resources particularly. The executive committee and the officers chosen were authorized and requested to prepare and have published such information, and also draft a set of rules for the government of the association. The following names were signed to the roll of membership: Louis Volin, J. R. Sanborn, J. M. Stone, J. B. S. Todd, Jas. W. Evans, Charles Eiseman, G. W. Kingsbury, M. U. Hoyt, J. A. Lewis, C. H. McIntyre, Wm. Tripp, A. J. Faulk, J. S. Gregory, J. B. Van Velsor, Simon Eiseman, W. P. Lyman, John J. Thompson, Wm. Leeper, M. E. Bonesteel, Geo. M. Campbell, George Hoosick, W. A. Burleigh, John Stanage, John E. Moran, John Sherrer, T. W. Brisbine, Mark M. Parmer, Henry Fisher, Rudolph Vonhus, Warren Osborne, Stephen Mosely, Grove Buell, J. F. Taylor, G. N. Propper, T. A. Kingsbury, M. K. Armstrong, Millard A. Baker, Maris Taylor, C. H. Edwards, Henry Bradley, Frank Bronson, S. H. Morrow and Henry Brown. County fairs were thereafter held regularly with Yankton County the seat of the territorial and state fair.

DAKOTA'S PROGRESS

After ten years of settlement and cultivation and experience, the people of Dakota who had been observant of the climate, soil, productions and natural resources of Dakota, had reached the conclusion that it was one of the best sections of the United States for general farming, including the rearing of domestic animals, and although the settlements had made but slight inroads upon the great treeless domain between the Missouri and Big Sioux and Red River of the North, all inhabited sections shared the general belief in the substantial character of the territory as an agricultural region capable under cultivation of contributing its full share to the food supplies of the world; the improvements of the year in country and town seemed to furnish a sort of turning point from a temporary to a more permanent class of improvements; everything betokened confidence in the future of Dakota, and enterprising men laid the foundations for permanent business and a growing trade.

The year 1869 was the most prosperous the territory had enjoyed. There had been comparatively a large increase in population, and a great deal of building and other improvements made in the towns and farming settlements. The season had been a favorable one for all kinds of grain, and the reports from the farms of the yield of wheat per acre seemed in many cases exaggerated, running as high as forty bushels. Considerable grain was shipped by steamboat during the fall to points on the lower Missouri. The year excelled in good crops, immigration and general improvement, and in the advancement of churches and common schools. At Yankton there were hundreds of new arrivals each month at the hotels, men who came to "spy out the land;" there was an extensive steamboat trade, boats arriving and departing during the boating season almost daily;

the settlement of the Bohemian colony in Bon Homme and Yankton counties was an event of sufficient importance to render the year a notable one; there was abundant employment for the builders of brick and frame buildings, labor was at a premium; there was constant demand for native lumber, and prosperity beamed from every industry and every home.

From the records of the United States land office at Vermillion, the only one in the territory, though two others were established the same year, there were 300 claims taken in the month of June, and nearly all settled upon in the six counties of Minnehaha, Lincoln, Union, Clay, Yankton and Bon Homme. Immigration had just begun to cross the line into the interior and adjoining counties of Turner and Hutchinson. The number of claims taken during the month of May in the same counties was 186, nearly all by farmers and actual cultivators of the soil. Lincoln County received the greatest increase of population during the year, and Yankton was second. The City of Yankton increased in population a trifle over one hundred, and more than this number of sojourners were occupants of the hotels and boarding houses, coming and going. Yankton was the principal rendezvous for eastern parties, who made it their headquarters while prospecting the newer portions of the territory or contemplating a business venture, and in this way a large number of Dakota's early settlers became personally acquainted with the town and its people.

There had been small progress made in locating new towns in the territory during the decade beginning in 1859 and ending in 1869. Canton and Eden, in Lincoln County, had made a beginning in 1868; Sioux Falls had been abandoned in 1862 and reoccupied as a town just at the close of the decade; two small trading points that flourished for only a brief time under the names of Granville and Mapleton, in Minnehaha County, had been settled. This was the extent of the towns and trading points in the settled portions of the territory (with Swan Lake just budding into villagehood) that had been made since 1859, when Sioux Falls, Elk Point, Vermillion, Yankton and Bon Homme were occupied as towns. These places had grown and improved slowly, but met the full demand for market towns, while the number of farms and the farming population had grown in greater proportion.

The organization of Minnehaha County, which was perfected in 1862, was permitted to lapse after the abandonment of the county in August of that year on account of Indian hostilities. Nearly six years thereafter, a few settlers having ventured in during the preceding year, the Legislature reorganized the county by an act approved the 4th of January, 1868, retaining the former boundaries and appointing William Melvin, John Wilson and John Thompson county commissioners, and Edward Broughton register of deeds. The board appointed the remaining county officers.

The earliest settlers of the county when that country began to be settled permanently, in 1868, were John Langness, John Thompson, John Nelson, William Melvin, S. Delaney, John Aasen and his two sons, G. Gunderson and Ole Oleson. Langness came from Goodhue County, Minnesota, and crossed the Dakota line about due east of old Medary, and did not find a white settler in the Sioux Valley until he struck William Melvin's cabin, seven miles below the Dells. Some of the parties named above, particularly Thompson and Nelson, probably settled there in 1867. Langness has said that when he arrived in Minnehaha County he did not have a cent. He had with him his wife and one child, his father, mother and a sister. He also had two cows, one ox, a wagon, and owed \$80 back in Minnesota, which was represented in a portion of the personal effects he brought along. He became a prominent and useful citizen and amassed a fortune from the land of the Minnehaha.

CHAPTER XLV

DEMOCRATS ELECT DELEGATE TO CONGRESS

1870

FIFTH DECADE BEGINNING WITH 1870—RAILROADS WERE DAKOTA'S PRESSING NEED—REVIEW OF THE PROGRESS OF SETTLEMENT—TERRITORIAL TREASURER'S REPORT—TOWNS AND POSTOFFICES—FIRST TELEGRAPH LINE—FEDERAL CENSUS BY COUNTIES—DAKOTA POLITICIANS AND POLITICAL PARTIES—BURLEIGH SEEKS REPUBLICAN NOMINATION—YANKTON COUNTY THE BATTLE GROUND—THE REPUBLICAN TERRITORIAL CONVENTION—NAMES OF DELEGATES—A SPLIT—BURLEIGH AND SPINK BOTH NOMINATED—DEMOCRATS NAME THEIR FIRST PARTY TICKET—DEMOCRATIC TERRITORIAL CONVENTION—NAMES OF DELEGATES—ARMSTRONG NOMINATED FOR DELEGATE TO CONGRESS AND ELECTED.

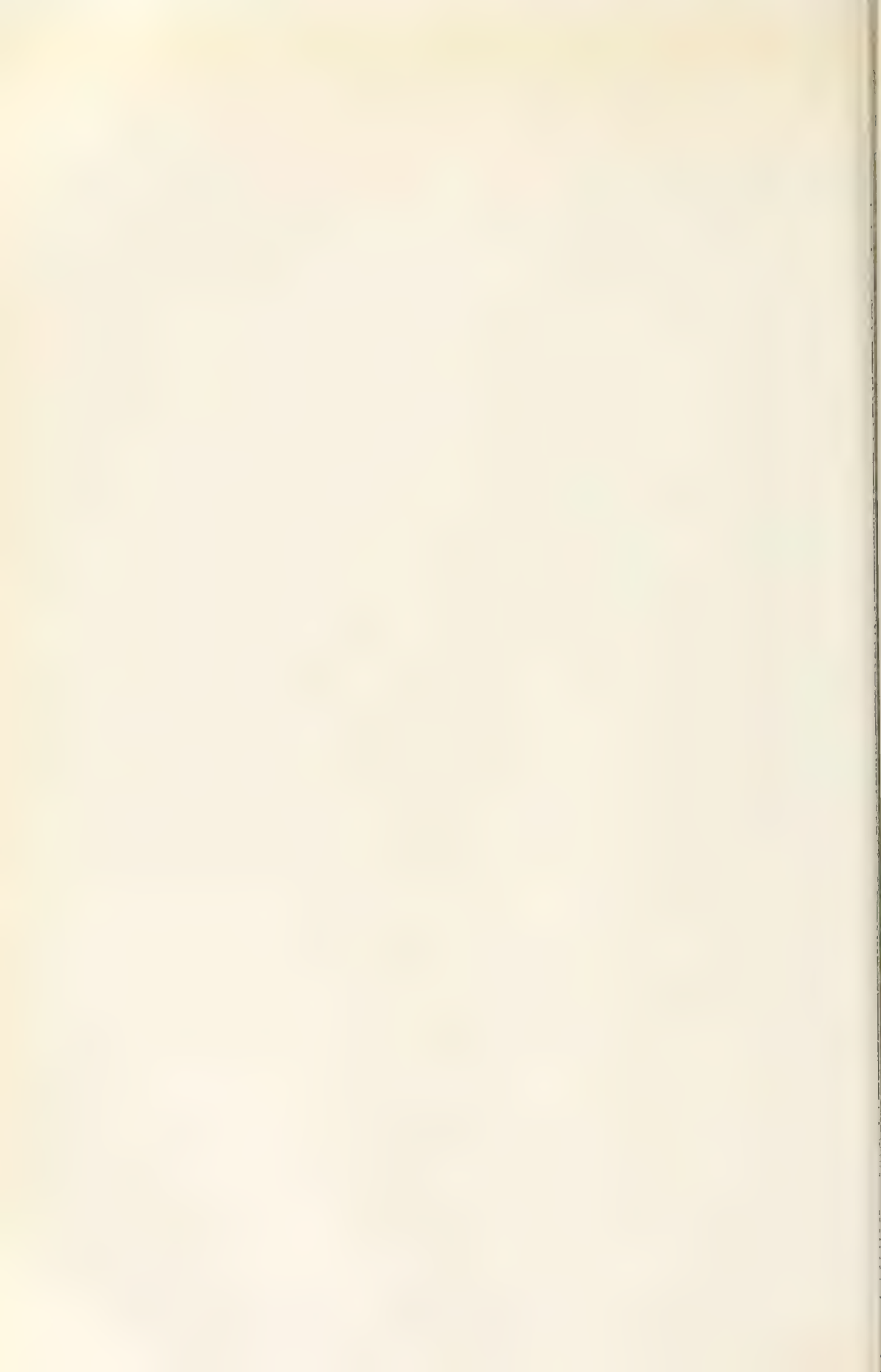
The decade beginning with 1870 was destined to be one of great and permanent importance to the territory. Railroads for the first time entered the territory during the second year of the decade, except that the Union Pacific had trespassed upon our soil in 1867-68 while Dakota embraced within its western boundaries the future Wyoming country; the Missouri swarmed with steamboats carrying merchandise and gold-seekers to Montana, and tens of thousands of tons of goods of many kinds to the military posts and thousands of Indians, great numbers of whom had promised to abandon the war path and in good faith undertake a civilized life, a promise that by a great majority was faithfully observed as we of today can testify. Immigration flowed into the territory through Fargo, Grand Forks, Wahpeton, Big Stone, Brookings, Watertown, Sioux Falls, Flandreau, Canton, and through the country opened up by Dakota's first railroad, the Dakota Southern, and through the gateway at Wahpeton on the headwaters of the Red River of the North down that wonderfully prolific and fertilized valley to Pembina on the northern border, part way across the northern portion of the territory to Bismarck on the newly constructed Northern Pacific Railroad. The Black Hills were opened and drew to their auriferous gulches and mountains seamed with valuable minerals, thousands of experienced miners, and husbandmen flocked to her pine laden slopes and fertile valleys all in one grand crusade. Overspreading the lands with the abodes and industries of civilization almost within twelve months. Immigration crept up the fertile grass covered valleys of the Big Sioux, the Vermillion and James rivers, and spread out over the intervening prairies, reclaiming to the uses of a civilized, industrious, Christian people, though not compactly, the entire area of the former Yankton Indian domain ceded in 1859. It was a decade of wonderful progress and prosperity, and notwithstanding serious reverses caused by drouth and the grasshopper scourge, the material improvement of the territory was steady, substantial, and foretold the early retrieval of the entire domain of Dakota to the occupation and uses of a highly civilized, intelligent and progressive God-fearing people.

A fleet of steamboats also plied the waters of the Red River of the North from its source to Winnepeg, reaping abundant reward from the growing settlements that bordered its banks and extended well into the interior.



MOSES K. ARMSTRONG

Pioneer of Yankton County, 1859. Member of first and succeeding legislature. Territorial delegate to Congress, 1870. Served two terms, retiring March, 1875.



THE INDIANS

In 1870, Gen. D. S. Stanley was in command of the military district of Dakota, with headquarters at Fort Sully. The 14th and 17th U. S. Infantry were stationed at different forts in the territory and at the Indian agencies, which then included Fort Randall, Fort Sully, Fort Rice, Fort Stevenson, Fort Buford, Fort Union, Fort Totten, and Fort Wadsworth then or near the Sisseton Reservation; and also the Indian agencies at Whetstone, Rosebud, Pine Ridge, Crow Creek, Fort Ramson, Fort Sully, Fort Bennett and the Cheyenne Indian Agency; Grand River, Standing Rock, Fort Berthold, Devil's Lake, and Fort Meade in the Black Hills, then being constructed.

From all unprejudiced accounts the Indians along the Upper Missouri Country even, as far away as Fort Benton, were unusually quiet and peaceable in 1870. Steamboats appeared to enjoy an immunity from that source, not a social and soliciting immunity, but were not menaced by any unfriendly conduct on the part of the red men. There were a number of depredations reported by small parties whose purpose was plunder of some sort and who coming across an opportunity of their roaming, seemed unable to refrain from the vicious practices and time-honored customs of their race to confiscate the white man's property, and occasionally take his scalp along as an evidence of prowess, which would be carried back to his tribe and displayed as a badge that would aid in elevating him to the rank of chief. But there were no signs of hostility toward the whites that indicated a general sentiment of that character among the Sioux; and the credit for this agreeable state of affairs was ascribed to President Grant's new peace policy. Whatever disturbances occurred were notably above Fort Berthold, reaching beyond Fort Buford, and were attributed to the Crows and other Mountain Indians.

ENTERPRISE OF RELIGIOUS ORGANIZATIONS

Not alone in a material way did the territory make encouraging progress in the period alluded to. The religious and educational interests of the territory were also notably promoted. One of the best practical as well as theoretical educators in the West had come to be a Dakotan during the year 1869, and while not connected, officially, with the educational department of the territory, the new surveyor general, W. H. H. Beadle, was a host in the educational field for which he felt so much friendliness and earnest interest, that he gratuitously devoted much of his time to assisting those charged with administering the law governing common schools and speaking to educators and those being educated.

The church organizations were all under the supervision and direction of superior men and aggressive forces. Rev. Joseph Ward, of the Congregationalists, an organized host and a host at organization in himself; Bishop Robert Clarkson, of the Episcopal denomination, assisted by Reverend Doctor Hoyt, Rev. P. B. Morrison, and Rev. S. D. Hinman, who had charge of the Indian missions; the Methodist organization, under the leadership of the presiding elder, Bennett Mitchell, located at Sioux City; Bishop Marty, of the Roman Catholic Church, was in charge of the Dakota field; the Baptists were also quite aggressive under the Rev. Geo. W. Freeman, of Elk Point, while the Scandinavian Lutherans and the German Lutherans were doing their full part in the religious work of the territory. It would seem that in all the commendable important constituents of growth and improvement, the fabric of the best civilization and civil government, was being made use of in the work of constructing the foundations and superstructures of the territory's religious and educational institutions. It was a prosperous period largely for those who counted prosperity only in dollars; it was much more substantially prosperous to those who counted the increase of general improvement—the increase of churches and schoolhouses; the growth of the church in membership, the school in pupils, and the multiplying of the number

of school structures; the improvement of roads by the needed bridging of streams, and a general uplift which all these improvements betokened. Dakota Territory, so scrupulously avoided a few years before, was becoming better known and appreciated by the good people of the country.

In 1870 the common school system of the territory was represented by eleven public schools in Union County; six schools in Clay County; three in Yankton with two private schools in the city; four in Lincoln County; one in Bon Homme, and one in Minnehaha. It will be observed that the white settlements of the territory were still confined to the four Missouri River counties, and two on the Big Sioux. It is probable that a school had been established at Pembina during this year which was the beginning of white immigration to that quarter, but no report from it was received by the superintendent.

It will be observed, or should be, that the history of Dakota Territory so far as it has to do with the white settlement, has been confined to a very narrow portion of the great domain, but stretching from Pembina on the Red River of the north, along the eastern boundary to the intersection of the Big Sioux with the Missouri River, thence west and northwest for 150 miles along the Missouri. There was no organized county north of the few counties in which local governments were established in 1862. All was a waste of fertile prairie, inhabited, if at all, by a very few widely scattered bands of Indians, most of whom belonged to the Dakota or Sioux Nation.

RAILROADS WANTED

The topic that most interested the substantial element of Dakota's population in the year 1870, was connected with securing railroad facilities that would furnish a ready outlet for the surplus farm produce of the settled portion of the territory, which was growing larger and more valuable, as well as more difficult to dispose of profitably, as time passed. Wheat was the principal staple of our farms, and the expense of hauling it to market at Sioux City ate up the small margin left to the producer after his crop was harvested and cared for. The general sentiment of the settlers in the Missouri Valley favored a road connecting at Sioux City, and passing up the valley through Elk Point, Vermillion, Yankton and Bon Homme. Above Bon Homme the population was more of a nomadic character and somewhat indifferent, having at that time very little, if anything, to transport to eastern markets, and for that which they wished to sell, finding a good market at the fort and Indian agencies convenient to their settlements. There were also commercial advantages and economy which the merchants as well as people had to consider. The steamboats could be depended upon during the boating season, but for five months in the year, stated as an average, the river was closed and merchandise was subject to a long and expensive haul in freight wagons, and was not always procurable at the time needed.

Yankton had without intent and through circumstances that she could not control, excited the suspicion in the minds of many settlers in Clay and Union counties, in the southern portion of those counties, which then contained a large majority of the population, that the people of the Capitol City were opposing a line of road with Sioux City as the starting point, and favoring the McGregor and Western, then building through Northern Iowa, which would practically ignore, by its proposed route west of the Big Sioux, the principal towns and a majority of the settlements in both Clay and Union counties. The only justification for this feeling toward Yankton, was the apparently earnest efforts of the McGregor and Western to build their road through to the Big Sioux at Canton or near there, then across to Yankton on the Missouri. This projected road was not in the least due to any effort made by Dakota interests. The McGregor and Western was seeking a Missouri River terminus and Yankton was then its choice.

The sentiment of Yankton was governed to a large extent by its ambition to secure the advantages of steamboat traffic, which was at this time controlled by

Sioux City, and unquestionably led the sentiment of the latter place to obstruct any movement toward extending the railway beyond to any Missouri River point.

In order to defeat or neutralize this opposition, Yankton made an effort to secure railway connection with the Illinois Central at LeMars, and at one time the project appeared to have the favor of the Illinois Central Company. As a rival of Sioux City, this connection seemed to guarantee to Yankton the cooperation of the strongest railway corporation in the West, in advancing the city's commercial interests, and it may have been the apprehension that such a road would be built that modified the sentiment of hostility at Sioux City, and finally led her to favor, rather than oppose, the extension to Yankton, from that point.

TOWNS AND POSTOFFICES

There were few towns and postoffices in Dakota Territory in 1870. The number had made but a trifling increase in ten years. The traveler coming in to the territory from Sioux City and crossing the Big Sioux on the Government bridge, would journey a distance of twenty miles to Elk Point before reaching a town, though a postoffice had been established at Jefferson, eight miles east of the Point, on the stage road. Elk Point was the county seat of Union County, and had grown to be something of a village; a weekly newspaper, the *Elk Point Leader*, was published, conducted by F. O. Wisner. The population of the town was claimed to be 500. Eight miles northwest was a new town called Liberty, owned by the Curtis family, somewhat famous as vocalists, where there could be found a postoffice, sawmill, schoolhouse, blacksmith shop and the Curtis residence. On the journey the traveler would have observed a fair sprinkling of log cabins and some frame residences, along the road. From Liberty it was seven miles to Vermillion, situated on the bank of the Missouri River, fated to be its destroyer ten years later; Vermillion had about six hundred population; it was the county seat of Clay County, the home of the Dakota Republican newspaper, conducted by Lucien O'Brien, and a United States land office, the seat of the United States Court for the First Judicial District; with two hotels, a sawmill nearby, a number of stores, and a number of lawyers, doctors, and a due proportion of clergymen. Clay County had made considerable progress in agriculture and was fairly well settled in its southern townships and along the lower valley of the Vermillion River. Crossing the Vermillion River was the Government bridge, and eight miles west was the Town of Lincoln, or rather the stage station and postoffice. It was located by Mr. Taylor, who came in with the New York colony in 1864, and took up a homestead there. It contained a first rate hotel kept by Mr. and Mrs. Taylor, was the seat of a schoolhouse, blacksmith shop, and possibly a country store. Sixteen miles further west by north the James River was crossed on the Government bridge, and four miles beyond the James the traveler would reach Yankton, the capital of the territory; said to be the finest natural townsite on the Missouri River, although Lewis and Clark did not observe its municipal topography, but gave their only recommendation in that line to the mouth of White River and a tract adjoining. Yankton was now an incorporated city, with fine hotels, two church edifices, Episcopal and Congregational—public school, an academy, the Dakota Hall, for young ladies seeking a higher education, two newspapers—the *Union* and *Dakotian*, and the *Yankton Press*; a town of about twelve hundred population, governed by a city charter and the usual officials provided for by such legislative grants, doing a large commercial business with the forts and Indian agencies, and ranchmen, to the west and north, and the prospective terminus of the Dakota and Northwestern Railroad from Sioux City, then theoretically under construction; also the McGregor and Western or the Chicago, Milwaukee & St. Paul then building through northern Iowa; also the Columbus and Yankton from Nebraska; and the Minnesota and Missouri River, now the Southern Minnesota Railroad.

Twenty miles by land due west, located on the banks of the Missouri River, was the little Town of Bon Homme, county seat of Bon Homme County, where two good stores were kept, a fairly good hotel, schoolhouse, two or three residences, blacksmith shop, and other appurtenances of a promising village including a postoffice and courthouse. Eight miles farther was located the new Town of Springfield, where a United States land office had just been installed, and a new land district formed called the Springfield Land District. The firm of Bonesteel & Turner was just arranging to open a store here. A hotel was kept by a widow lady. The town was located nearly opposite the new Santee Indian Agency and Reservation in Nebraska, from which it afterward derived a portion of its prosperity. Beyond Springfield thirty-five miles was Greenwood, on the east bank of the Missouri, the official residence of the Yankton Indian agent, and the seat of the Yankton Indian Reservation. Fifteen miles above Greenwood but on the opposite side of the Missouri, Fort Randall was located, and at this time was garrisoned by four companies of United States troops. Opposite Randall was a postoffice called White Swan, and a few miles above another called Wheeler, both in Charles Mix County, of which Wheeler was the seat. Twenty miles above Randall, on the east side of the Missouri River, lay Harney City, a frontier trading point, and a steamboat landing. Harney City was opposite the mouth of Whetstone Creek or the point where the Government agency had been established for the Sioux on the great reservation. The supplies for Spotted Tail and Red Cloud's Indians were landed at Whetstone landing and hauled out to the agencies in the interior. There was quite an Indian settlement at Whetstone in addition to the agent and his white employees. There was a postoffice at Harney, and an average population of 200, made up largely of cattlemen, herdsman, "wood-hawks," and a few merchants, restaurant keepers, and others, and it was spoken of by those who had visited the place as the wildest frontier town in the country. No serious crimes, however, were known to have been committed there.

The Hamilton settlement was the next point where a little colony of white people had made a settlement on Platte Creek, on the east side of the river. This was the home of Major Hamilton and his sons and a few others. Hamilton had been on the frontiers over fifty years, and had become quite famous. He is referred to in another chapter. As the necessities of the Government required the transmission of a voluminous mail, all the forts and agencies above Randall were supplied once a week; and the telegraph was extended from Yankton to Fort Sully in the early '70s, being built by the United States Government. The Hamilton settlement was the last of the white settlements on the public lands in that direction.

The old Town of Mixville in Todd County had not prospered, and all of Dakota in Todd and Gregory counties, had been included in the Great Sioux Reservation. Sixty-five miles east of north of Yankton lay the Village of Sioux Falls, which after seven years of repose, had been released from the burden of a military reservation, and was growing rapidly. It contained the old military barracks, four stores, a hotel, about three hundred people, and there was then talk of starting a newspaper. Twenty miles south, on the Big Sioux, was the new Town of Canton, with a population of over one hundred, the county seat of Lincoln County, with two or three stores and two hotels, a widely scattered hamlet, a schoolhouse, and great expectations. Sixteen miles south of Canton, by the road, was "Buck Wheelock's" town, Eden, which boasted a postoffice. There were three country postoffices below Eden, in Union County, named respectively, Virginia, Sioux Valley and Le Roy, then came Richland, at the mouth of Brule Creek, where there would be found a store, hotel, postoffice, and two residences.

Above Vermillion twelve miles, on the Vermillion River, was the Bloomington Flour Mills, owned by James McHenry and John W. Turner and operated by water power. A postoffice was established here; six miles farther was a new

point called Lodi. Swan Lake, in Lincoln (now Turner), County was a post-office on the Yankton and Sioux Falls route, and Bergen, Yankton County, east of the James River, was also a postoffice. Both have long since been discontinued.

The James River Valley had been explored by homesteaders to a point called Rockport in the southern part of Hanson County, where a settlement was made; also one at Maxwell City, and at Olivet in Hutchinson County, but no mail route had been established in that direction. Gen. C. T. Campbell's ranch on Dawson Creek, Bon Homme County, was a favorite stopping place for explorers, and ranchmen, who traversed the country from Yankton over the James River Valley.

On the Red River of the North, the Town of Pembina was becoming an important center. The northern part of the territory had been erected into a judicial district, the third, and the United States District Court held two terms annually at Pembina, Chief Justice George W. French, presiding. The United States custom house and land office were located here, a number of stores were doing business and trading for furs, a good hotel had been built by Mr. Stutsman; and nearly was being erected Fort Pembina, garrisoned by United States troops. St. Joseph was another postoffice on the Pembina River, thirty miles west of Pembina, then an important point. There were a few flourishing farming settlements on the Red at this time, and land was being homesteaded in Pembina County, and also in Richland County at the headwaters of the Red. There was also a postoffice at Fort Abercrombie.

A few homeseekers had also gone into Brookings County in 1870, and selected land, but no mail routes had been established north of Sioux Falls.

Dakota Territory had increased in population during the ten preceding years from about two thousand to 14,200, but the only permanent towns or trading centers that were established during the decade were Canton, Lincoln County; Springfield, Bon Homme County; and Lincoln (now Meckling), in Clay County. The other towns that survived had their beginning before the territory was organized. Union and Clay counties had gained largely in their farming population; Yankton County had not done so well. Bon Homme and Yankton had profited by the Bohemian immigration; Minnehaha and Lincoln were just beginning to attract settlers. But there was no longer a disposition to decry Dakota; it entered its second decade with a reasonable certainty of rapid growth and moderate prosperity.

DAKOTA FINANCES

REPORT OF THE TERRITORIAL TREASURER, FOR 1869-70

Treasurer's Office, Yankton, D. T., Dec. 31, 1870.

To the Honorable Legislative Assembly of the Territory of Dakota:

Gentlemen:—In compliance with the statute approved January 3, 1863, I have the honor to submit the following report of the condition of the finances of the territory during the past two years. The following statements will show the amount of receipts and disbursements of the treasury during the fiscal years of 1869 and 1870; balance on hand December 31, 1868; and balance on hand December 31, 1870.

No. 1 Showing the receipts from the different counties for 1869.

Union County	\$208.00
Clay County	110.00
Yankton County	198.25
Bon Homme County.....	32.00
Total	\$548.25

No. 2 Showing receipts from same for 1870.

Union County	\$ 300.00
Clay County	328.00
Yankton County	388.00
Total	\$1,017.50

Balance January 1, 1869.....	\$ 14.80
Grand total for two years.....	1,580.61
Disbursements for year 1869.....	\$ 574.50
Disbursements for year 1870.....	926.75
Total disbursements	\$1,501.61
Balance in treasury December 31, 1870.....	\$ 79.36

I have the honor to be, very respectfully,

T. K. HOVEY, Territorial Treasurer.

FIRST TELEGRAPH LINE

The first telegraph line constructed in Dakota was built by John F. Daggett, S. V. Clevenger, and D. M. Percy, all of Sioux City, during the summer and fall of 1870, and was completed from Sioux City to Yankton, on Monday, December 5th, of that year, when the first office was opened and messages sent and received on that day. The office was in the new St. Charles Hotel, Capital Street. Actual work on the line was begun about October 1st, under the supervision of A. T. Dinney, of Cedar Rapids, Iowa. Cottonwood and ash poles were used because they could readily be procured, the plan being to replace them with red cedar which could be obtained in the country west of Yankton. The length of the line, with its necessary switches, was sixty-seven miles. The cost was \$8,000, or about one hundred and twenty dollars a mile. Yankton, Vermillion and Sioux City contributed toward the building of the line, and offices were opened at these points on the same day. Mr. Daggett was the operator at the Sioux City office; William Lower, in charge at Vermillion, and Mr. Clevenger took charge of the Yankton office. The first rates established would appear exorbitant if charged at the present time. For ten words from Yankton to Vermillion, 35 cents; to Sioux City, 75 cents; to Omaha, \$1.75; to Chicago, \$2.65; to Washington, \$3.90; New York, \$4.35. No office was established at Elk Point at first, owing to the failure of the parties to come to an understanding regarding the subsidy.

An act of Congress passed in February, 1871, provided for the construction of a telegraph line, under the direction of the United States Government War Department, from Yankton to Fort Sully by way of Fort Randall, the cost not to exceed \$8,000 for each 100 miles. The act also provided that the ownership of the line should not vest in the United States but in the contractors or builders of the line, and the \$80.00 a mile paid by the Government should be a loan to be repaid in telegraph tolls, the Government holding a lien upon the line until the sum advanced was repaid. The same parties who constructed and owned the Sioux City and Yankton line built the Fort Sully extension; and in 1872 the Government established a weather bureau and signal station at both Yankton and Sully.

THE DECENNIAL CENSUS

The Federal census taken June 1st, 1870, disclosed the following important information regarding the population, improvements, and many other items, of the Territory of Dakota. The census was taken at that time under the direction of the United States marshal, Laban H. Litchfield:

Towns, Counties, Forts, etc.	Number Dwellings	Number Families	Total No. Inhabitants	No. White Males	No. White Females	No. Colored Males	No. Colored Females	No. Males Foreign Born	No. Females Foreign Born
Yankton County	534	530	2,007	1,103	877	10	11	491	271
Union County	779	763	3,510	1,919	1,575	5	8	572	493
Deuel County	8	8	37	7	10	11	9	6	6
Brookings County	44	44	163	15	3	62	83	10	2
Minnehaha County	110	110	350	184	118	30	24	98	58
Lincoln County	230	220	712	403	300	0	0	142	93
Clay County	268	704	2,023	1,502	1,116	2	33	419	347
Bon Homme County	173	172	608	360	230	9	9	124	93
Jayne County	3	3	5	4	0	1	0	0	0
Hutchinson County	12	12	37	25	12	0	0	10	5
Pembina County	183	183	1,213	370	24	414	309	297	114
Fort Totten and env.	43	43	243	101	22	60	87	66	17
Fort Buford	30	30	454	409	32	80	5	197	4
Fort Stevenson	27	16	151	134	8	2	7	70	3
Fort Rice and env.	9	27	215	187	23	3	2	90	8
Grand River Agency	8	9	154	148	4	1	1	62	0
Cheyenne Agency	12	12	134	110	7	5	3	74	2
Fort Sully	77	77	745	616	86	18	25	382	19
Buffalo County	51	51	245	159	10	22	49	68	2
Todd County	37	37	337	254	67	7	9	93	14
Charles Mix County	30	30	152	34	1	53	64	17	0
Total	3,240	3,102	14,188	8,151	4,543	729	765	3,208	1,461

Towns, Counties, Forts, etc.	No. Marriages during Year	No. Deaths during Year	No. Births during Year	Number Cannot Read	Number Cannot Write	Number Voters	Value Real Estate Owned by Inhabitants	Value Personal Estate Owned by Inhabitants
Yankton County	0	11	48	41	48	744	\$1,084,370	\$330,135
Union County	10	21	100	53	118	933	785,330	510,935
Deuel County	0	0	1	1	8	8	1,000	1,870
Brookings County	0	2	5	11	41	44	8,380	3,450
Minnehaha County	0	6	8	13	37	138	21,940	35,500
Lincoln County	0	0	21	68	106	230	90,800	57,190
Clay County	44	17	131	104	277	671	730,330	424,770
Bon Homme County	0	3	16	1	21	210	158,270	121,520
Jayne County	0	0	0	1	2	5	0	0
Hutchinson County	0	0	3	0	1	15	15,850	3,750
Pembina County	2	7	40	529	529	120	97,000	22,545
Fort Totten and env.	2	1	4	87	87	40	131,500	35,200
Fort Buford	4	7	4	14	14	82	42,500	34,300
Fort Stevenson	0	1	2	9	9	21	0	14,500
Fort Rice and env.	9	1	3	4	4	18	0	23,950
Grand River Agency	0	1	1	0	0	9	0	15,000
Cheyenne Agency	0	0	1	4	4	13	5,000	2,000
Fort Sully	3	10	11	70	70	34	9,000	50,000
Buffalo County	0	3	6	59	59	45	5,500	59,430
Todd County	3	2	0	31	31	30	18,100	11,800
Charles Mix County	2	5	0	58	58	39	35,950	30,750
Total	72	101	495	1,528	1,528	3,497	\$3,297,040	\$1,879,135

Number of Farms—Yankton, 350; Union, 581; Deuel, 3; Brookings, 14; Minnehaha, 28; Lincoln, 32; Clay, 420; Bon Homme, 110; Hutchinson, 2; Pembina, 73; Buffalo, 7; Todd, 2; Charles Mix, 23.

Number Deaf and Dumb—Yankton County, 1; Union, 1; Clay, 3; total, 5. Yankton City, 1.

Number Idiotic—Clay County, 3.

Number Blind—Yankton, 2; Union, 1; Clay, 2; total, 5. Yankton City, 1.

Number Insane—Yankton, 1; Union, 1; Bon Homme, 1; total, 3. Yankton City,

The population of the United States and territories by this federal census was

The reader of this history is well informed of the political party situation in Dakota prior to 1870. Practically there had been no democratic party in the territory or in the United States during the administration of Andrew Johnson which terminated in March, 1869. The democratic party was allied with the President in his reconstruction policy, and its members as well as republicans, were the recipients of his favors in the appointments to various Government positions throughout the United States. The assassination of Mr. Lincoln made a vacancy in the office of President which Vice President Johnson was called upon to fill by authority of the Constitution, but this did not give him the confidence of the people to the extent that Mr. Lincoln had possessed it, and with his elevation to that high office came the anxious question whether he would follow in the steps of his predecessor—the greatest fear being that he would be less charitable in his dealings with the “ex-rebels,” as the people of the revolted states were called, than would Mr. Lincoln have been, whose kindliness and sympathy for the unfortunate were among his prominent traits of character; and Mr. Johnson, early in his career as President, emphasized his attitude toward the leaders of secession by his oft-repeated declaration that he would “make treason odious.” Circumstances, however, forced Johnson into a position of practical antagonism to the ruling sentiment of the republican leaders of Congress on the reconstruction question, and naturally enough the democratic party took sides with him because of this antagonism to republican leaders, and not because he represented democratic principles, or was endeavoring to foster any policy of that party regarding the reconstruction of the revolted states, for both policies—that of the President as well as Congress—were probably republican in their origin, and both had the sanction and active support of prominent republicans of the country. And it may fairly be claimed that had Mr. Lincoln lived to carry forward his reconstruction plan, whatever it may have been, because of the confidence reposed in him by the people, the President and Congress would have worked in harmony, and there would have been no serious division between the executive and legislative departments of the Government.

In Dakota, if the reader will remember, at the republican convention of the year 1866, when the first symptoms of a division between Congress and the President were publicly manifested in our political gatherings, the democrats of Dakota responded to the calls made by the republican or national union party, in attending caucuses and conventions, and were able by the preponderance of their numbers, caused by republicans declining to indorse the Johnson policy, to capture the organizations and make the nominations for legislative and county officers from their own political flesh and blood.

While a number of the republicans remained with the old organization, the larger portion withdrew, and under the leadership of W. W. Brookings, a new republican organization was formed in the territory that made Mr. Brookings its candidate for delegate, in opposition to Doctor Burleigh, the Johnson-republican candidate. Burleigh was elected, and during the ensuing two years the contest between the President and Congress grew more embittered, the breach widened until it was beyond closing or healing, and thousands of republicans who had started in to support the President at the beginning of the division, had discovered that they were being practically landed in the democratic party, had called a halt, and were allying themselves with the now acknowledged republican organization represented in the reconstruction policy of Congress.

Doctor Burleigh was a life-long republican, although he had been one of the principal supporters of Mr. Johnson. He was probably the strongest personality that had ever appeared in the political field in Dakota, although the honor might be divided with General Todd. He was the embodiment of energy; he was possessed of a liberal education, and had acquired much valuable and varied knowledge of practical affairs. Professionally, he was among the best. He was a strong

common-sense speaker. He was recklessly extravagant in expenditures, and the expenses of his campaigns were not considered a legitimate reason, by himself, for defeat. He had a very large following in the republican party, and could always command strong support from individuals in the opposition. He had a faculty of becoming on familiar terms with his supporters and controlling them. He was, taken altogether, a very strong, magnetic, influential man, of good ability in public life; but during his successful political career he appeared to have less confidence in his own merits as an element of strength in vote-getting than in the less commendable practices of the politician; and he conducted his campaigns, apparently, with little concern for the methods employed if the methods promised to contribute to his success. He could not be denominated a machine politician, for he was not controlled by any associates, and himself constituted the machine, if he had one. It may be said, however, in extenuation of this phase of his public career, that he believed he was fighting an enemy who would resort to every expedient to accomplish his defeat, and he was compelled, in self-defense, to "fight the devil with fire."

But as the term of President Johnson neared its close, stamped with the disapproval of the people, and at the same time the term of Doctor Burleigh terminated, leaving him without a party, it was discerned that the doctor was not disposed to be counted among the anti-republicans. His pyrotechnic political display in Wyoming in 1868 was said to have been inspired by a desire to keep the territory from electing a Wyoming democrat as delegate. Mr. Spink, the regular republican nominee, was elected delegate. Another two years elapses, and the political conditions in Dakota were no longer chaotic. The breach between the President and Congress no longer existed. Grant was President; the congressional policy had been sustained, and the southern states that had seceded were being restored to the Union in accordance with the congressional plan. Doctor Burleigh was emphatically a republican and ambitious as ever to secure a nomination from that party for the office of delegate. In this he was opposed at first by nearly all the leading republicans of the territory. He had with him, however, a strong contingent of the rank and file, and as his only opponent was Mr. Spink, an able man but poorly equipped for a political leader, Burleigh early succeeded in winning over some of the influential men of the republican party. He also had the sympathy and quiet support of a large number of democrats who were willing to aid in his nomination but would vote for a democrat in case one was nominated, and there was every indication that Moses K. Armstrong would be able to secure the democratic nomination and with it the united support of his party.

The pre-convention battleground in 1870 was Yankton County, and nearly every voter in the county, regardless of his party affiliations, was an interested spectator if not a participant of the struggle between Burleigh and Spink for control of the caucuses and convention which was to elect delegates to the territorial nominating convention. As the great majority of voters were keenly interested in the strife, it followed that many of the democrats gave a helping hand and voice to help the side he favored, or like the woman in the old time fictitious story which related that the good wife saw her husband and a bear engaged in a hand to paw conflict, and believing that each party was entitled to fair play and no favors, shouted: "Go it husband; go it bear;" for in this political duel between these republican factions they foresaw such an irreconcilable division in the republican ranks as would give to the democrats more than an equal chance of capturing the congressman—and the end fully justified their foresight.

Mr. Spink, who then held the delegateship, was a candidate for reelection and the probable choice of the republicans of the territory, though Col. G. C. Moody, an able lawyer, had numerous friends who were urging his candidacy; but the partisans of these aspirants worked in harmony. In this situation the primary caucuses and county conventions were called by the republican con-

mittees, and the contest between Burleigh and Spink, at these primaries, was of the fiercest character. In Yankton County there were three precincts. No. 1, east of James River, where the caucus was held at the farm residence of John J. Thompson. No. 2, at Yankton; caucus at Stone's Hall. No. 3, at the farm residence of Royal H. Jones, west of Yankton about five miles. These caucuses were held on the 27th of August, at 2 o'clock in the afternoon. What was known as the Crawford County caucus system, borrowed from Wisconsin, had been adopted for these caucuses, which required the election of delegates to be made by ballot. It was the forerunner of the later primary election.

The first district caucus met at the hour appointed at Thompson's and elected L. H. Litchfield, chairman, and A. K. Marvin, secretary. The following resolution was presented by Mr. Brookings, a Spink supporter:

Resolved, That this is a republican convention, called for the transaction of business relating to the republican party, and that the tellers be instructed to receive votes from no one but recognized republicans; and that when the tellers are in doubt as to the political principles of any voter, the voter be directed to disclose his political faith before his vote is received.

The motion to adopt the resolution was lost by a vote of 94 to 85, which indicated that there was a number of anti-republicans present; and the Spink element, under the leadership of Judge Brookings, withdrew and repaired to the house of Mr. Shepherdson, where they held an independent caucus. Those remaining went forward and elected nine delegates to the county convention, namely: Ole C. Peterson, Peter W. Johnson, H. H. Davenport, L. H. Litchfield, John J. Thompson, Christ Brued, Frank Bronson, Iver Bagstad and M. A. Baker, all receiving 95 and 96 votes each.

The Spink party, at Shepherdson's house, elected A. P. Hammon, chairman, and Erick Iverson, secretary, and elected the following named delegates to the county convention: Erick Iverson, Ole Sampson, W. E. Root, Mathias Larson, Clark West, A. P. Hammon, A. L. Van Osdel, Ole C. Peterson, Peter Johnson, and then adjourned.

The second district caucus was held at Stone's Hall on Capital Street, in Yankton, and was very largely attended, showing that the people were deeply interested in the political situation, and political problems. T. W. Hammon was elected chairman, and Turney M. Wilkins, J. D. Boyer and Dr. O. H. Conger, secretaries. Mr. Geo. N. Propper proposed the following resolution:

Resolved, That all persons who will pledge themselves to support and vote for the nominees of the republican convention to assemble at Vermillion on the 6th of September next, and for the nominees of the republican county convention to assemble on the 30th inst., are invited to participate in the proceedings of this meeting, and no one who will not so pledge themselves, shall be allowed to vote at this meeting, and who are supporters of President Grant and his administration. The resolution was unanimously adopted.

George A. Batchelder, O. C. Baldy, William Tripp, James Beadle and Ed Barker were appointed tellers to receive and count the votes. The election of delegates by ballot was then proceeded with; the attendance was crushingly numerous, and many of the voters were questioned about their political antecedents; trouble arose, fraudulent voting, repeating and stuffing the hats was alleged, and finally there was a withdrawal of a large portion of the assemblage, who repaired to the Hanson Building on the opposite corner. The result of the ballot at this caucus at Stone's Hall was the election of T. W. Hammon, J. D. Sears, J. V. Bunker, Henry Arend, Nelson Learned, Simon Eiseman, A. L. Hinman, M. T. Woolley, John Lawrence and Daniel O'Farrel, who received 135 votes each. The caucus then adjourned.

The withdrawing party gathered at the Hanson Building, where George H. Hand was elected chairman and J. D. Boyer, secretary. The election of ten delegates was then proceeded with, and the following named chosen: J. D. Boyer,



PIONEERS OF DAKOTA TERRITORY

G. W. Kingsbury, editor of the first newspaper in Dakota
H. T. Bailey, of first party of J. H. Shober, President of first
emigrants to Yankton

C. J. Hohann, builder of the first cabin in Yankton
William Jayne, first governor of Dakota Territory
J. E. Hanson, first clerk of first
Territorial House



M. U. Hoyt, Rudolph Von Ins, J. R. Hanson, W. E. Babcock, H. J. Brisbane, Wm. Miner, George H. Hand and William Leaning. The caucus then adjourned.

The Third District caucus met at the house of Royal H. Jones, and elected Warren Cowles, chairman, and M. B. Doyle, secretary. The following named delegates were chosen: W. H. H. Beadle, Frank Bem, George Campbell, Dr. J. W. Wheelock, Jacob Ruffner, Washington Reed, Joel A. Potter, and S. K. Felton, who received 120 votes each. There was another set of delegates voted for, who received about thirty-five votes each, which shows that the caucus was well attended for a rural caucus, and that the voters were awake to their political privileges.

In the three caucuses, or rather five, including the double-headers, there had been about five hundred and fifty-five votes polled, and by comparing this total with the caucuses previously held, and those afterward held for a number of years, we believe it will be found that the record high mark for attendance was reached at this time. The total vote of the county at the election held shortly after was 869—it was conceded that everybody voted who was able to get to the polls, at this election—of which number Armstrong received 336; leaving 533 divided between Burleigh and Spink, or twenty-two votes less than was cast at the three republican caucuses.

The Yankton County convention was called for August 30th, and as two sets of delegates had been elected from two of the precincts, and no "olive branch" was tendered from either side, there was no effort made to unite. Two conventions were held, two sets of delegates elected to the territorial convention and two county and legislative tickets nominated.

The Spink convention elected J. D. Boyer, M. U. Hoyt, J. R. Hanson, O. C. Peterson, Ole Sampson, A. P. Hammon, Erick Iverson, Jacob Braun and Rudolph Von Ins delegates to the territorial convention; and the following resolution was also adopted:

Resolved, That the delegates elected by this convention be instructed to vote against the nomination of Walter A. Burleigh at the republican convention in Vermillion, and to oppose his nomination first, last and all the time.

The Burleigh Republican convention met with their delegates present from the three precincts, at Stone's Hall, organized, appointed committees, and then adjourned to Burleigh's Hall on Broadway, where the Committee on Resolutions reported the following:

Resolved, That we desire, above all other things politically, the harmony, integrity and success of the Republican party and the permanence of republican principles in the nation and territory; that we refer with pride to the record of our national party; its triumph over treason and for liberty; its defense of civil, and guarantee of political rights.

Resolved, That we heartily endorse the administration of President Grant and the republican party in Congress in their faithfulness to the principles of our party, their guard of the public credit, reduction of the public debt, perpetuity and support of the system giving free lands to actual settlers, and the honorable administration of public affairs.

Resolved, That we do and ever will support and sustain the great fundamental principle of the republican party—that the people and they alone, are the only legitimate and natural source of political power in a free government—and to them alone belongs the right to make and unmake laws and to remove and appoint their own public servants.

Resolved, That we regret the recent action of politicians in the county in failing to act with the majority of the republican people.

Resolved, That we pledge ourselves to the faithful support of the nominees of the regular republican convention to be held at Vermillion, September 6, 1870.

The following named delegates to the republican territorial convention were then elected: J. A. Potter, T. W. Brisbane, Iver Bagstad, Frank Bronson, A. J. Faulk, Arthur Linn, S. Eiseman, Warren Cowles and T. W. Hammon.

The following resolution was adopted:

Resolved, That the delegation of Yankton County to the territorial convention held at Vermillion, on the 6th of September, 1870, are hereby instructed to vote for _____

said county for Hon. W. A. Burleigh, as a candidate for delegate to Congress, first, last and all the time, and the majority of said delegates shall cast the whole nine votes as a unit. The convention then adjourned.

THE REPUBLICAN TERRITORIAL CONVENTIONS, 1870

The republican territorial convention was held at Vermillion, September 6, 1870, meeting at Lee & Prentiss's Hall. Col. G. C. Moody, chairman of the territorial committee, called the convention to order, and nominated Mr. Curtis, of Union County, for chairman. Warren Cowles nominated Aaron Carpenter, of Clay, and Carpenter was elected. The first jangle occurred over the appointment of a Committee on Credentials. It appeared that Clay County was the only county in the convention that did not have a contesting delegation; and S. C. Fargo, A. J. Smith, T. C. Hartshorn, A. J. Mills and Fred J. Cross, of that county, were appointed the credentials committee. The convention then adjourned until 5 o'clock P. M., to give this committee time to make up its report and hear the contests. The committee were not able to agree, but divided; three, Hartshorn, Fargo and Smith, recommending the admission of the Burleigh delegates throughout, and Mills and Cross recommending the Spink delegates.

This occasioned considerable debate and questioning, and a partial demand for a reopening of the work of the committee, which terminated in the refusal of the Spink delegates to attend the convention after recess. The three members of the committee then reported that there were no contesting delegations, and recommended the seating of the following named delegates: Todd County—John W. Smith, Todd Randall, E. W. Raymond. Charles Mix County—W. T. McKay, William Hobrough. Bon Homme County—Nathan McDaniels, W. H. Orcutt, John W. Owens. Yankton County—J. A. Potter, S. Eiseman, T. W. Brisbine, Warren Cowles, Oliver Bagstad, Frank Bronson, A. J. Faulk, Arthur Linn, T. W. Hammond. Clay County—A. Carpenter, T. C. Hartshorn, Knud Larson, C. H. Bennett, A. J. Smith, A. J. Mills, F. J. Cross, Amund Hanson and S. C. Fargo. Union County—Archie Christie, C. B. Vradenburg, R. R. Green, David Walters, John Edwards, H. W. McNiel, B. F. Smith, J. A. Smith, I. N. Flannagan, James Ross. Lincoln County—Perry C. Park, G. W. Harlan, W. R. McLaury. Minnehaha County—R. F. Pettigrew, C. M. Coats.

The report was adopted.

The convention then elected T. W. Brisbine, of Yankton, permanent chairman, and H. W. McNiel and F. J. Cross, secretaries. The nomination of Doctor Burleigh for delegate to Congress was then made by acclamation. T. W. Hammond, of Yankton, was then nominated for territorial treasurer; William Shriner, of Clay County, for territorial auditor, and Rev. H. W. McNiel, of Union County, for superintendent of public instruction.

Warren Cowles from the Committee on Resolutions, submitted a report, as follows:

Resolved, That the republican party of Dakota Territory approves the administration of President Grant as honorable, patriotic and economical, and fulfilling in an eminent degree the purposes for which governments are formed; and we pledge to that administration and its distinguished head an unwavering and earnest support.

Resolved, That we recommend to the people of this territory the candidates, we, in obedience to public sentiment, have presented to them, as men eminently worthy of their suffrages and support, and we hereby pledge ourselves, and pledge the people of this territory, to procure for them a triumphant election in October next.

Resolved, That railroads in this territory are the great and primary want of this people; and it is the wish and sentiment of our men of all parties, that Congress give to the several railroads seeking passage through our territory, liberal grants of land to aid in their construction. And our candidate for delegate is hereby pledged and instructed, when elected, to proceed to Washington and urge upon Congress, with all the influence he can bring to bear, and by all the moral power of our entire people, to procure for the Dakota and Northwestern Railroad, traversing the country from north to south, and the McGregor and Yankton, and Southern Minnesota railroads, entering the territory at Canton and Sioux Falls, respectively, the granting of such aid in lands as shall secure their early construction—these

three railroads being preeminently necessary to the early and rapid development of our territory.

Resolved, That we deeply deplore the passage of the act of Congress of the 13th day of July last, requiring all preemptors on the public lands to make speedy payment for the same, as a law which a large portion of the settlers of this territory cannot comply with. It will have the effect to give capitalists and speculators the principal portion of the public land of this territory, and drive from the land and the territory thousands of the poor men who have sought a residence among us, and are creating homes with so much labor and privation. We urge upon our candidate, if elected, to proceed to Washington and in the name of the men of all parties in this territory, to persuade Congress next winter, to repeal this harmful law so far as it applies to our people.

Resolved, That it is the sentiment of this convention and the people whom they represent, that the policy heretofore and now pursued of withholding the public lands of this territory from sale, except to actual settlers, has proved itself a wise policy, and one tending to the rapid settlement and development of the country, and we desire the same policy continued as long as these lands in the territory are open to settlement.

The resolutions were adopted. A central committee composed of Laban H. Litchfield, of Yankton, chairman; Wm. H. Hobrough, Charles Mix; John Smith, Todd County; John W. P. Owens, Bon Homme; Horace J. Austin, Clay County; E. Le Gro, Union; N. Phillips, Minnehaha; C. L. Gardner, Lincoln County, was appointed. The convention then adjourned.

THE ANTI-BURLEIGH CONVENTION

The Spink delegates assembled at the schoolhouse, in Vermillion, and were called to order by G. P. Bennett, of the central committee. J. F. Curtis, of Union County, was chosen temporary chairman, and M. U. Hoyt, of Yankton, secretary.

A Committee on Credentials was then appointed consisting of G. P. Bennett, of Union; F. J. Cross, of Clay; B. S. Gillespie, of Lincoln; A. P. Hammon, of Yankton, and Charles Allen, of Minnehaha, which reported the following named delegates entitled to seats: Minnehaha County—John Thompson and Charles Allen. Lincoln County—B. S. Gillespie, A. E. Wheelock, John Falda. Union County—G. P. Bennett, Emory Morris, J. F. Curtis, D. Ross, Sr., H. N. Wicks, A. Gibson, P. Crum, S. L. Parker, Ole Holte, J. B. Mannes. Clay County—F. J. Cross and A. J. Mills. Yankton County—M. U. Hoyt, J. D. Boyer, Erick Iversen, Ole Sampson, Jacob Brauch, Ole C. Peterson, J. R. Hanson, A. P. Hammon and Rudolph Von Ins. Todd County—C. H. McIntyre, proxy for three delegates elected from that county.

On motion, J. F. Curtis was made permanent chairman, and F. J. Cross, of Clay, secretary.

A motion was adopted requiring twenty-two votes to nominate a candidate.

An informal ballot was then taken for the nomination of a candidate for delegate to Congress, resulting as follows: Yankton County, Spink, 4; Moody, 5; Minnehaha County, Spink, 2; Lincoln, Spink, 2; Moody, 1; Todd, Spink, 3; Clay, Spink, 2; Union, Spink, 10. Total, Spink, 22; Moody, 6.

The formal ballot was then taken, giving Spink, 24; Moody, 5; whereupon Spink was made the unanimous choice.

W. S. Smith, of Lincoln, was nominated for territorial auditor; T. K. Hovey, of Clay County, for territorial treasurer; and E. H. Webb, of Union, superintendent of public instruction.

The following central committee was then appointed: O. B. Iverson, Minnehaha; J. Q. Fitzgerald, Lincoln; Fred J. Cross, Clay; G. P. Bennett, Union; Geo. H. Hand, Yankton.

The Committee on Resolutions made the following report which was adopted:

Resolved, By the republicans of Dakota Territory in delegate convention assembled, that we heartily approve and cordially endorse the administration of President Grant, recognizing in him one whose every effort is directed to the promotion of the best interests of the people and the Government.

Resolved, That the patriotic and unswerving course of the Congress of the United States as exhibited in reconstruction, in finance, and in foreign affairs, merits and receives our cordial approval and our warmest praise.

Resolved, That as the representatives of the republican party of Dakota, we unreservedly denounce the conduct of W. A. Burleigh, and his principal supporters in Dakota, for the outrageous, indecent, and illegal manner in which he and they have sought to override the republican party of Dakota, and foist upon them, by rowdyism and bullying, a candidate who has no claims as a republican, and in whose honesty and integrity they have no confidence.

Resolved, That it is the duty of the republican party in Dakota, while it guards with a jealous care the political welfare of Dakota, to foster and encourage all measures that tend to advance our material interests; to encourage immigration; to establish and maintain schools; to build and support churches; and to lend their united aid to the development of every section of Dakota.

Resolved, That we extend the right hand of fellowship to the people of every nation, race or creed, who come among us desiring to be good citizens, and to share the blessings and advantages of our free and beneficent Government.

Resolved, That we view with unfeigned pleasure the railroad enterprises now inaugurated in Dakota, and will at all times stand ready to aid to our utmost all such improvements in any section of Dakota.

Resolved, That we will support, by all honorable means, the candidates selected by this convention for delegate to Congress and territorial offices, recognizing in their success the triumph in Dakota of right over wrong, of honesty over fraud, bribery and deceit, and of true republican principles over mongrelism and money bags.

Mr. Spink was then introduced and made an address, after which the convention adjourned.

THE MISFORTUNE OF MR. SPINK

Mr. Spink had entered upon the office of a delegate to Congress at an unpropitious time. His term began with President Grant's first term; and as Grant had been chosen by an overwhelming majority of the states, he had a host of prominent supporters among the senators and representatives in Congress and among his old army comrades, who were clamorous for the federal appointments.

Doctor Burleigh, who preceded Mr. Spink, had become delegate in 1865, the year of President Johnson's accession, and because of his ardent support of Mr. Johnson in his contest with Congress, was enabled to control nearly all the federal appointments in Dakota as is shown by the list previously given, from governor to postmaster, and was also a power in matters affecting interests outside the territory.

From this circumstance, voters generally in the territory, and Mr. Spink's friends particularly, had expected that he would be able to secure many of these offices; but they did not at the time realize the changed conditions that followed the coming in of President Grant. It had not been the policy of Mr. Lincoln to appoint to the leading federal positions, citizens of the territory, and there was ten-fold greater pressure upon Grant for places in the federal civil service than beset Lincoln. Nevertheless, Mr. Spink's friends had agreed upon a list of positions which they expected him to make strenuous efforts to secure, and which covered nearly the entire field; but later, as the appointments of the new President were announced, it was discovered that the claims of Dakota had been only slightly considered. Senator Morton, of Indiana, secured the appointment of Burbank for governor; Senator Hamlin, of Maine, secured the chief justiceship for French; and General Belknap, the secretaryship for Wilkins. Mr. Brookings was appointed associate justice, which should be credited to Delegate Spink though Maine influences turned the scale. Surveyor General Beadle was appointed through Wisconsin influences backed by a good army record. Judge Kidder and United States Marshal Litchfield were reappointed through influences from Minnesota and Vermont for Kidder, and Pennsylvania for Litchfield, though both these officials had opposed Spink's election. Mr. Spink secured the appointment of Colonel Campbell, of Vermillion as register of the Vermillion land office, with the aid of Gen. Phil Sheridan, and during the second year the offices of assessor and collector of internal revenue for his partisan friends. The Indian agents, under the new peace policy, had been assigned to various religious denominations. The offices mentioned, with a few postoffices, were the sum of federal patronage that fell to

Mr. Spink. During his entire term the new governor of Dakota, Doctor Burbank was a force at Washington to be reckoned with in all matters of patronage.

These several conditions, growing out of the national situation as affecting politics and patronage, served, though unjustly, to weaken Mr. Spink in the home political field. He was required, by his opponents, at least, to compare the results of his stewardship with that of his predecessor; and as the only item in the account that was given great prominence was that relating to federal appointments, it was not a difficult matter, therefore, to show that he had failed to measure up to the standard of his predecessor. It was conceded that he had been faithful and unremitting in attending to his duties; had been watchful in securing all the needed appropriations; had labored to divide the territory on the 46th parallel, and in a general way had been a creditable representative of the territory; but it was manifest when the campaign opened in 1870, that his record, set against that of his predecessor who was now opposing him for the nomination, would not prove an attractive campaign document. It was used, however, with some unfriendly shading by Spink's opponents.

The result of the election indicated that Mr. Spink had not grown in popular favor during his career, neither had he fallen behind. He received about the same number of votes that were given him two years before, and in the intervening time, Wyoming had been organized and taken away the vote of Laramie and Carter counties which gave Spink nearly four hundred in 1868.

THE DEMOCRATIC TERRITORIAL CONVENTION

September 1st, the following call was issued by the democratic territorial central committee:

A convention for the nomination of a candidate for delegate to Congress, and also for the nomination of candidates for territorial treasurer, auditor, and superintendent of public instruction, is hereby called to meet at Yankton, D. T., Saturday, September 10, 1870, at 2 o'clock, P. M. All voters who approve of the principles of the democratic party, and are in favor of reform in the management of the affairs of the territory, are cordially invited to participate in the county convention. Each county will be entitled to representation as follows: Union County, 10 delegates; Yankton, 9; Minnehaha, 2; Clay, 9; Bon Homme, 3; Todd, 3; Lincoln, 3; Charles Mix, 3; Pembina, 1. The committee respectfully recommends that where there are no county committees, the democrats of the county meet at the county seat of each county, on Tuesday, the 11th day of September, at 2 P. M., and select the delegates their county is entitled to. After consultation, the two committees deem it for the interest of the democratic party to make the foregoing united call.

J. L. Fisher, Clay County, chairman; Michael Ryan, Union County; J. B. Van Velsor, Yankton County; Jonathan Brown, Bon Homme County; democratic central committee, September 8, 1868.

A. G. Fuller, Yankton County, chairman; D. T. Bramble, Yankton County; Hugh Fraley, Bon Homme County; Felicia Fallas, Charles Mix County; democratic central committee, June 20, 1868.

The democratic territorial convention met at Yankton, September 10, 1870. J. L. Fisher, Clay County, who had been conceded the chairmanship of the territorial committee, called the convention to order, and named George W. Kellogg, of Union, president. Dr. J. G. Lewis, of Clay, was elected secretary. On motion of E. B. Wixson, of Union, the chair appointed a Committee on Credentials consisting of E. B. Wixson, Union; G. D. Laughton, Clay; Bartlett Tripp, Yankton; H. C. Greene, Bon Homme; and Gen. C. T. Campbell, Chas. Mix.

The committee reported the following named delegates, entitled to seats, to-wit: Union County—Joseph T. Cullaman, Francis Reandeau, G. W. Kellogg, Christ Maloney, Michael Curry, Henry Smith, Shepherd Young, G. W. Beggs, E. B. Wixson, William Gray. Clay County—G. D. Laughton, Joseph Noonan, Charles Kilton, J. L. Fisher, George Curliss, F. D. Snow, N. Sorenson, J. G. Lewis, and N. McHugh. Yankton County—E. J. Trowbridge, J. B. VanVelsor, Abel Stafford, C. D. Owens, O. B. Orion, Bartlett Tripp, J. F. Dowling, Henry Bradley, and Thomas Frick. Lincoln County—J. Gehon, Benj. F. Hill and M. L. Stone. Todd County—Stephen F. Estes, Nicholas Johnesse, and Dominick Bray. Charles Mix and Buffalo counties—John Dean, Cuthbert Ducharme, C.

I. Campbell, Jas. P. Sherman, Felicia Fallas, Joseph Volin. Minnehaha County—John Bailey and John Ford. Bon Homme County—H. C. Greene, H. C. Davidson, and R. W. Andrews.

On motion the convention proceeded to a permanent organization, whereupon Dr. J. E. VanVelsor, of Yankton, was elected permanent chairman, and H. C. Davidson, secretary.

On motion of G. W. Kellogg, the chair appointed Dr. J. G. Lewis, O. B. Orton, Yankton; H. C. Greene, Bon Homme; C. T. Campbell, Chas. Mix; and John Bailey, Minnehaha, a Committee on Resolutions; which committee after due consideration, made the following report:

Whereas, The exigencies of the times demand that political parties should lay aside old and worn out issues, and present to the free and intelligent voters of the country matters of present moment, in order that there may be a speedy return to the prosperity of former times, and the burden of self-government be more equally divided; therefore,

Resolved, That we favor the lowest rate of taxation consistent with a safe administration of the Government, and preservation of public credit, the careful husbanding of our public resources, and the most rigid accountability to the people on the part of all the public servants.

Resolved, That taxation to be just, must be for public purposes, equal and uniform, and that the national Government has no right to levy a tax upon one individual to promote and advance the interests of another; and that a protective tariff is in conflict with the fundamental doctrine of equality and uniformity in taxation, and wholly repugnant to the principles of republican government.

Resolved, That we will oppose to the utmost of our power the present policy of the republican leaders, which by the unjust and burdensome taxation of labor, and equally unjust nontaxation of wealth, is rapidly drawing broad and deep lines of distinction between labor and capital, and by special and corrupt legislation, is dividing our people into castes, and urging into hostilities the great interests of the nation.

Resolved, That we favor such public measures as will insure the early opening of our undeveloped prairies by the honest and energetic settler, and condemn every measure calculated to throw them into the hands of the foreign speculator; therefore we demand the early passage of the laws now pending in Congress granting lands for the building of railroads in our midst; and remonstrate against all measures tending to bring our lands into public market.

Resolved, That the opening and developing of the rich mineral fields and pine forests of the Black Hills is a matter of great commercial interest to the people of Dakota, and we deem it the duty of our public officers to exert every energy to accomplish the removal of the wild tribes of Indians from that region, that the same may be opened to the advancing march of civilization.

Resolved, That we pledge ourselves to favor such measures as will offer the greatest inducement and encouragement for the immigrant to settle on the public lands.

Resolved, That we favor the prompt recognition of the just claims of the Federal soldiers and sailors and their widows and children.

Resolved, That upon the declaration of principles we invite every elector of the territory, without regard to former party relations or associations, to join hands with us at the coming election in electing to office honest and capable men.

The resolutions were adopted.

Nominations being in order, the chair appointed G. W. Kellogg, J. L. Fisher, and H. C. Greene, tellers.

The Yankton County convention had instructed its delegation to present Moses K. Armstrong as a candidate for the nomination of delegate to Congress, and on motion an informal ballot was taken for candidates for that office, resulting as follows: M. K. Armstrong, 25; J. W. Turner, Clay County, 17. Mr. Turner then made a brief speech of thanks and withdrew from the race, and Mr. Armstrong was then nominated by acclamation. The following nominations for territorial officers were then made: Territorial treasurer, T. J. Sloan, of Clay; auditor, G. W. Kellogg, of Union; superintendent of public instruction, J. W. Turner, of Clay.

On motion of Bartlett Tripp each county delegation presented a name for the territorial central committee, as follows: Yankton County, Bartlett Tripp; Clay, J. L. Fisher; Union County, E. B. Wixson; Todd County, Stephen F. Estes; Bon Homme, H. C. Greene; Charles Mix, C. T. Campbell.

Mr. Armstrong then appeared before the convention escorted by O. B. Orton, E. B. Wixson, and H. C. Greene, and made a brief speech accepting the nomination. The convention then adjourned.

In the campaign following, General Todd, the old democratic leader, made public announcement that he would not support Mr. Armstrong, but would cast his vote for Doctor Burleigh.

THE CAMPAIGN

The campaign, which it is customary to open after the nominations have all been made, had been going on, as to Spink and Burleigh, for two or three months prior to the convention in September, so that the opening of the formal campaign, after Armstrong came into the field, simply added a few torchlight processions and hosts of public speakers. The public meeting took the place of the impromptu evening gatherings, and organization went forward with more system. It was quite plain to the unprejudiced observer before this formal campaign had made much progress that Armstrong had the natural enthusiasm of the voters with him—that is those who were supporting him manifested the greater confidence, and the active men among the masses knew better than the leaders did where there was disaffection, and who was profiting by it. Burleigh drew away from Armstrong some of the democrats through General Todd's influence and through his own, but as he strengthened himself in this way he also strengthened Armstrong, who drew votes from Spink from a class who became alarmed lest Burleigh should be elected by the democratic vote, and preferring Armstrong to the doctor, dropped Spink and went to the democrats. Spink was informed of this and saw the danger to himself. The bitter personal pre-convention campaign between Spink and Burleigh had produced such a deep seated animosity that under the impression stated, though it may have been without any foundation sufficient to affect the result, and may have been magnified by Armstrong's friends in his interest, it produced at least a slight stampede and may have been sufficient to change the result as it would have been under normal conditions. It is well to remember that Mr. Armstrong had been for many years enjoying the closest confidential relations in business matters with nearly all the prominent leaders in the Spink faction save Mr. Spink, and his uniform success in his territorial legislative campaigns was due to their friendship and votes and not to the preponderance of democratic votes.

OFFICIAL VOTE

The election was held on the 11th of October, with the following vote:

County or Precinct	Spink	Armstrong	Burleigh
Union County	277	323	219
Clay County	209	179	248
Lincoln County	150	21	72
Yankton County	244	330	309
Bon Homme County.....	20	79	132
Charles Mix County.....	1	127	79
Minnehaha County	119	4	24
Fort Thompson	21	55	9
Fort Sully	3	40	1
Pembina Precinct	19	38	2
St. Joseph Precinct.....	3	20	0
Totals	1,023	1,198	1,192

Armstrong was declared elected.

The territorial officers declared elected were: William Shriner, Clay County, auditor; Thomas W. Hammon, Yankton, territorial treasurer; H. W. McNiel, Union County, superintendent public instruction.

CHAPTER XLVI
FIRST BI-ENNIAL LEGISLATURE. BURBANK, GOVERNOR

1870

BURLEIGH'S CONTEST AGAINST ARMSTRONG—SPINK ALSO BECOMES A CONTESTANT
—ARMSTRONG SEATED—LAND DISTRICTS ESTABLISHED AT PEMBINA AND
SPRINGFIELD—BLIZZARD FATALITIES—PUBLIC LANDS—LEGISLATURE IN FIRST
BI-ENNIAL SESSION, NINTH IN NUMBER—GOVERNOR BURBANK'S FIRST MESSAGE
—IMPORTANT LAWS ENACTED—DISTRICT COURT FOR NORTHERN DAKOTA—IOWA
PRISON FOR DAKOTA CONVICTS—BRULE CITY'S CAREER.

The contest inaugurated by Doctor Burleigh against M. K. Armstrong, who had been declared elected as delegate to Congress by the territorial board of canvassers was based on the charge of certain illegal and fraudulent votes cast for said Armstrong in the several counties of the territory. As there was a difference in the total vote of the two candidates of only ninety-six votes, throwing out of a small portion of these alleged fraudulent votes would give Mr. Burleigh a plurality, and would assure him the coveted seat unless Mr. Spink, the other unsuccessful candidate, should be able to prove that Doctor Burleigh had received a larger number of illegal votes, which he was preparing to do in the event that Armstrong should be counted out by Congress. Armstrong's vote was 1,198; Burleigh, 1,102; and Spink, 1,023; as officially declared. The board of canvassers was composed of Chief Justice French, Governor Burbank and Secretary Batchelder. The canvass took place on the 28th of November following the election. Mr. Burleigh's notice of contest was served on Mr. Armstrong about December 26th and alleged illegal votes for Armstrong, as follows: Charles Mix County—Joe Ellis precinct, 88 votes; Campbell's ranche, 28 votes; total 126. Bon Homme County—Emanuel Creek, 20 votes; Yankton County—Starr's precinct, 10 votes; Yankton precinct, 30 votes; Bagstad's precinct, 10 votes; Haggins's Bend, 10 votes; total 60 votes. Union County—Sioux Point, 30 votes; at other precincts, 45 votes; total 75 votes. Clay County—Vermillion, 50 votes. In all 331 votes.

The taking of testimony was begun at Yankton in the second district court before Judge Brookings, and considerable testimony adduced showing that bribery had been resorted to though not in the interest of Armstrong particularly. The matter was carried up to the House of Representatives, and was not finally settled until 1872, Armstrong meanwhile having been given the seat on his certificate from the territorial board. Mr. Spink, in the meantime had entered the lists as a contestant against Armstrong, though it was understood that his purpose was to defeat Burleigh's effort. Armstrong had the outspoken support of Spink's friends in the contest, for it was quite well known that so far as the bribery charge was concerned, it would affect Burleigh's vote quite as much as it did Armstrong's, but there was no testimony that the principals had been directly connected with the purchase of votes. It was expected that Burleigh would drop the case and not carry it to a final decision, but this expectation was disappointed.

On the 22d of February, 1873, the House of Representatives decided the contest cases of Burleigh and Spink against Armstrong, giving the seat to Arm-

strong, and also decided the validity of the election held on Indian and military reservations. The following is quoted from the proceedings:

Mr. Merrick: "I ask to take up the report from the Committee on Elections in the contested election case from Dakota. It will save the House trouble if I make a brief statement. The report of the committee goes to the validity of the elections held on military reservations and also to elections held on Indian reservations. The committee determined it was not valid under the laws of Dakota to hold an election precinct within an Indian reservation, but it also held it was perfectly competent to hold a poll within a military reservation, because military reservations are simply the temporary occupancy of public lands by the Federal Government without any severance of sovereignty so far as the territories are concerned.

"The committee find on that state of the case, admitting the validity of the returns of an election held on a military reservation, the sitting member is duly entitled to his seat. They find further, even throwing out a few altogether and dismissing the returns in favor of either party on a military reservation, there were sufficient illegal votes thrown in behalf of the contestant which, subtracted from his account, still leaves the sitting member entitled to the seat. Without further discussion I submit a resolution that Mr. Armstrong is entitled to the seat, with a supplemental resolution providing for the payment of the contestants."

The clerk read as follows: Resolved, That Moses K. Armstrong was duly elected and is entitled to retain his seat in the Forty-second Congress as delegate from the Territory of Dakota.

Resolved, That there be paid out of the contingent fund of the House, W. A. Burleigh, \$1,428, and to S. L. Spink, \$680, the same being for their actual, reasonable and necessary expenses incurred in prosecuting their contests for a seat in the House as delegate from the Territory of Dakota.

Mr. Holman demanded a separate vote on each resolution.

The first resolution was agreed to unanimously.

The House divided on the second resolution, and there were ayes, 86; noes, 42. So the resolution was agreed to.

NEW LAND DISTRICTS

The Springfield Land District was established by act of Congress, approved May 5, 1870, with the following described boundaries, viz:

Commencing on the Missouri River at the intersection of the line between ranges 57 and 58 west; thence north with said range line to the intersection of the line between townships 120 and 121 north; thence west on said township line to the west line of the territory; thence down said line to the southern line of the territory; thence east to the place of beginning. Said district as above bounded shall be known and designated as the Springfield district, and the office of said district shall be located at the Town of Springfield, or such place as the President shall direct in the Territory of Dakota.

The Pembina Land District was established by act of Congress, approved May 5, 1870, at the same time and in the same act establishing the office at Springfield. S. L. Spink was then the delegate in Congress. The district was bounded and described in the act as follows:

That portion of the territory bounded on the east by the western boundary of the State of Minnesota, on the south by the line between townships 120 and 121 north; on the west by the west line of the territory; and on the north by the 49th degree of north latitude, which district shall be known as the Pembina district; and the office of said district shall be located at the Town of Pembina or at such place as the President shall direct in said territory and the President of the United States shall have power to change the location of said land office in said territory, from time to time, as the public interests may seem to require.

Prior to the opening of this office there had been but one claimant for land in that portion of the territory. This was Joseph Rolette, who filed at the land office at Vermillion, that being the only one in the territory, and its jurisdiction covering the entire territory. The first persons to file at Pembina were Judson LaMoure and William R. Goodfellow, who had resided in the southern part of the territory in Union County, as early as 1860.

The southern boundary of the Pembina district extended as far south as an east and west line drawn through Milbank, thus covering area comprising

greater than the present State of North Dakota. There was considerable immigration at the time into the country bordering the Big Stone Lake and Lake Traverse, and extending down the Red River to Fort Abercrombie.

The Vermillion District known in the organic act as the Yankton Land District, embraced all the territory bounded on the north by the 5th standard parallel; east by the eastern boundary of the territory; south by the Missouri River, and west by the western boundary of Yankton County, extended north to the said 5th standard. Vermillion was the seat of the land office. These districts were defined by act of Congress, but at the same time, June, 1870, Congress enacted that the President should have authority to change the boundaries, and also the seat of the land office whenever he might deem it best for the public interest.

DEATH IN THE BLIZZARD

A heart-rending case of fatal freezing occurred near Vermillion during the blizzard which began January 20, 1870. Mr. C. W. Dowd, with his wife and three young children, undertook a trip across the prairie, from seven miles above Vermillion, intending to reach the town and secure more comfortable quarters than their claim house afforded. The storm was raging fiercely, and there was plenty of food and some fuel in the house, and the venture to seek other shelter under the circumstances, with his little family including his wife, was imprudent and hazardous, and the resolve of Mr. Dowd to undertake it is unaccountable. The dread occasioned by the storm must have affected his mind, and deprived him of all judgment. The family was bestowed in a lumber wagon as comfortably as possible, considering the fury of the winds, and started on their journey. The cold was intense; the storm increased in violence. The air was filled with snow, covering the faces of the animals, blinding them, and they refused to travel in the teeth of the gale, insisting upon turning despite Dowd's best efforts to keep them in the right direction, as he supposed. The suffering of his wife and children became so painful that the husband was obliged to take them out of the wagon, and give them a chance to exercise their bodies in order to keep from freezing. He thought they could follow behind the wagon, but this they were unable to do, and one by one they fell by the wayside literally frozen to death, until all had perished except Dowd himself, who though badly frozen finally reached a habitation three miles from the town, where he was cared for. He survived after a long struggle, but the appalling bereavement, coming so suddenly, and with such shocking force, undermined his ambition, and left him the wreck of his former self.

A genuine Dakota blizzard opened its batteries upon the settlement of the territory on the 13th of March, 1870, in the evening, and continued for three days. The temperature was not dangerously cold, but long exposure to the elements would so weaken a person that exhaustion would follow, and to be overcome exposed to the storm and drop asleep was sure to be followed by fatal results. The ground was covered with a heavy blanket of snow at the time which served to feed the fury of the gale, and literally filled the air. It was a dangerous storm, and the blinding snow made it extremely hazardous to venture out of doors. A large number of cattle were lost to the farmers of the territory, having been driven out of their winter quarters to the prairie pastures during the mild weather of a week or two that preceded the storm. Captain Waldron, of Yankton County, lost fifty head from a herd that he had bought the previous summer in Kansas. The animals were suffocated by the snow which covered their faces, melting and freezing until their heads were encased in a solid cake of ice. The aggregate losses in the territory ran up to many hundreds. It was regarded as the most destructive storm in respect to live stock fatalities that had visited the territory since its settlement. Not many persons were caught away from shelter by the storm, due to its breaking forth in the early night of the 13th; but there was one heart-rending and fatal experience which deserves a place in this record, if for no other reason than as a warning to others. On the Sunday morning preceding the

storm, which began about 9 o'clock the same evening, Charles Greeno and William Gray, a young brother of Mrs. Greeno, thirteen years of age, left Greeno's farm about twenty-five miles above Yankton on the James River for a visit to town where young Gray's parents resided. Their conveyance was an open lumber wagon drawn by a yoke of oxen. When within six or seven miles of town, one of the oxen became exhausted and refused to walk and Greeno concluded to give him an hour's rest. It was then after dark, and before the hour expired the storm broke loose. An empty cabin stood nearby, and this was taken possession of as the best shelter to be had for the night if the storm continued. The cabin had been loosely built, and the snow found its way in and piled up in drifts so that it was barely more comfortable than no shelter. Greeno housed his oxen on the side of the cabin which he thought the least exposed, and then made a fire, using the door of the cabin, his wagon-box, and finally his ox-yoke, for fuel; but this did not give much relief. The cold was intense, and the little boy was much the greatest sufferer. Greeno had three or four overcoats of different kinds that he was accustomed to carry in his wagon, and with these he made the boy as comfortable as he could; he also took off his boots and stockings and gave them to the little fellow, reserving a pair of overshoes for himself. There was no abatement of the terrible gale and drifting snow. The night was passed stamping in the snow which drifted in through the crevices between the logs. The boy, Greeno covered up with the overcoats, permitted him to sleep a little. The only food they had when they left home was two biscuits, and these they had eaten Sunday. Monday and Tuesday passed and the storm continued unabated. Little Willie was growing quite weak as Greeno despairingly observed. Wednesday morning the lad's condition appeared so critical that Greeno resolved to brave the storm with him and make an effort to reach an inhabited cabin that he believed was not more than two miles away. Willie had complained very little and was willing to undertake the trip. They had been seventy-two hours without food, and during this time had been partially benumbed with cold. Greeno's anxiety for the boy, he believed, kept himself from falling asleep and perishing. The oxen had broken away from the cabin on Monday or Tuesday, and were out in the storm. Greeno and the boy finally started for the settler's cabin two miles away, but they had made but little progress when Willie gave out and declared he could not walk, and asked to be taken back to the cabin. Greeno was so weakened that he could not carry the little fellow, and was obliged to return, which they did with great difficulty. Greeno realized that the boy's condition had become dangerous; he tramped out a place in the snow and made a bed of the overcoats, Willie declaring in a weak voice, that he felt quite comfortable, but his brother-in-law felt that he was dying. Just then the ox that had given out on the road, rushed into the cabin as if crazed, stood a moment lashing its tail, when it fell over, dead, knocking Greeno to the ground, and partially covering the dying boy whom Greeno believed was dead before this happened; but he was himself too near a collapse to remember anything distinctly. He pulled his knife, however, and made an effort to cut a piece of meat from the ox; but after cutting into the animal was unable to draw out his knife and left it. He spent the day and the following night at the cabin; the storm quieting down Wednesday night, and Thursday morning he started off toward a cabin he saw in the distance. He nearly perished on this journey. He fell over three or four times, and with great difficulty managed to regain his feet. He finally caught a glimpse of a man and team a long distance off, and immediately shouted to him, and gave all the signals of distress he could think of to attract his attention, which he finally did, and the man came hurriedly to his relief, knowing that it must be some one who had been caught in the storm. When Greeno saw that his cries and signals had been observed he fell into the snow nearly unconscious. His deliverer proved to be an acquaintance from town, J. O. Johnson, who was out on a wood hunting expedition. Johnson took the unfortunate man to Yankton, where he received such attention as his condition demanded, and in time—late in the spring—recovered,

losing a large portion of both feet, which required amputation. The overshoes had protected his feet much better than the boots and stockings could have done. Little Willie was removed from his bed of snow, stark and cold in death's embrace, and buried in the Yankton cemetery the following Sunday. Willie's parents resided in Yankton, and Josiah Gray, well and favorably known, was an elder brother. Greeno was 110 hours without sleep or food, and benumbed with cold. His escape from death was regarded as providential, and his endurance, all the conditions considered, as almost unparalleled.

PUBLIC LANDS

In the winter of 1870 the question of offering the Government lands in certain portions of the United States at public sale, a plan that had been in vogue up to the year 1862, when the homestead law was enacted, was generally agitated and the subject was discussed in the newspapers of the country, the weight of opinion being decidedly adverse to the proposition. Congressmen were beset by strong interests desirous of securing large tracts of choice lands, and bills were presented in Congress authorizing the sale of lands in districts where the land had been open to preemption and homestead a number of years, and had not all been taken. The people of Dakota were strongly opposed to any sale; public meetings were held in the various communities of the territory, and resolutions adopted expressing the hostile sentiment of the people which were forwarded to Congress. The effort finally grew so unpopular that its advocates were obliged to drop it, and it was never thereafter revived. The settlement of the public lands, especially in the Northwest had been retarded during the '60s by the Civil war and the wide spread Indian troubles, at this time happily ended; and immigration revived early in the decade beginning with 1870, and the steady and moderately growing increase in the absorption of the agricultural lands has been the history of the occupation of Dakota by actual tillers of the soil.

The first year of the decade mentioned was rendered somewhat remarkable in the annals of early Dakota because of the increase in the amount of Government lands taken up by actual settlers largely, which was shown by the records of the land offices at Vermillion, Clay County, and Springfield, Bon Homme County, though the last named office was not opened until October 21st of that year, and a third office at Pembina on the 19th of December, from which no returns are given during the brief time the office had been prepared to receive filings. The amount taken in the several counties is shown in the annexed statement: Yankton, 80,041.83; Lincoln, 61,041.42; Union, 46,919.77; Bon Homme, 46,483.31; Minnehaha, 37,377.35; Brookings, 2,172.24; total, 359,861.53; and of this amount 217,299.21 acres were taken under the pre-emption law, though the homestead law had been on the statute book eight years. It does not appear that any filings had been made up to this time in either Turner or Hutchinson counties, but both had been receiving the vanguard of its pioneers for possibly a year prior to this statement. It was estimated that the increase of population in the territory during the year amounted to about ten thousand, and that practically all of it had come in after June 1st, and after the federal census was taken, and had in great part found homes on the public lands. For the new land offices mentioned, L. Norton was appointed register and Gabriel A. Augersberg, receiver, at Springfield; and Enos Stutsman, register, and Geo. F. Potter, receiver, at Pembina.

LEGISLATURE—FIRST BIENNIAL SESSION

In the Legislative Appropriation Bill passed by Congress and approved March 3, 1869, it was provided:

That hereafter the members of both branches of the Legislative Assemblies in the several territories shall be chosen for two years, and the sessions of the Legislative Assemblies shall be biennial, and each Legislature shall, at its first session after the passage of this act, make provision by law for carrying this act into effect.

Under this law and also under the law of the territory then in force, members of both branches of the Legislative Assembly of Dakota were elected at the election held in 1869; but inasmuch as the session of the Legislature was held in 1869-70, it was deemed necessary, under the clause in the congressional act providing that "each Legislature shall, at its first session after the passage of this act, make provision by law for carrying this act into effect," to elect the members of the House of Representatives at the election held in 1870, as provided by the law of the territory which was accordingly done and a House composed partly of the members elected the year before was chosen.

This action raised the question which of the two Houses would be the lawful body, and the secretary of the territory would be called upon to decide at least in the first instance, which one he would recognize; and in order to have the matter passed upon by the highest authority available, Mr. Geo. A. Batchelder, then secretary, submitted the problem to Hon. Hamilton Fish, secretary of state of the United States, who in turn submitted it to Hon. A. T. Ackerman, attorney general of the United States, who delivered an opinion discussing the question at length, concluding with:

Hence, I am of opinion that the Legislature chosen in October, 1869, is, in both branches, the lawful Legislature of the territory for the space of two years from the commencement of its term, and that its successor should be chosen in 1871, at a time to be fixed at its first session.

Accordingly the Legislative Assembly elected in 1869 was duly recognized and the members thereof convened for the ninth session, at Yankton, the capital, in Stone's Hall, on Monday, December 5, 1870. The governor and the secretary of the territory had offices in the same building. The capitol building heretofore used for the sessions of the Legislature had been rented for other purposes since the change to biennial sessions, hence new quarters had been provided for the law makers.

The Council was called to order by Amos F. Shaw, the secretary of the preceding council, who called the roll of members, when the following named persons answered to their names:

First Legislative District, Union, Lincoln and Minnehaha counties—J. C. Kennedy, Emory Morris (Union), and William M. Cuppett (Lincoln). Second District, Clay County—Silas W. Kidder, Nelson Miner, and John W. Turner. Third District, Yankton and Jayne counties—Charles H. McIntyre, James M. Stone, Jacob Brauch and Moses K. Armstrong (Yankton). Fourth District, Bon Homme and Hutchinson counties—Hugh Fraley (Bon Homme). Fifth District, Charles Mix and Buffalo counties—William McKay (Charles Mix). Sixth District, Todd and Gregory counties (not represented at this session).

Chief Justice French then administered the oath of office to the members elect; whereupon Mr. Morris, of Union, nominated Mr. Brauch, of Yankton, for temporary president of the Council; and Mr. Armstrong nominated John W. Turner. A ballot being taken, Mr. Brauch was elected, and took the chair. Harvey J. Brisbane, of Yankton, and George T. Rea, of Lincoln, were placed in nomination for temporary secretary, and Mr. Rea was chosen.

The Council then adjourned until 11 o'clock A. M. Tuesday. The House of Representatives was called to order by George I. Foster, chief clerk of the preceding House, who called the roll of members, and the following persons answered to their names:

First District, Union, Lincoln and Minnehaha counties—Charles Allen (Minnehaha), O. B. Iverson, C. P. Dow, John C. Sinclair, Sterling L. Parker (Union), H. A. Jerauld (Lincoln). Second District, Clay County—F. J. Cross, Andrew J. Mills, Randolph Mostow, Amos F. Shaw, Noah Wherry, and Philip Sherman. Third District, Yankton and Jayne counties—George H. Hand, Nelson Learned, Ephraim Miner, A. P. Hanmon, and Ole Sampson (Yankton). Fourth District, Bon Homme and Hutchinson counties—James Keegan, Elias W. Wall (Bon

Homme). Fifth District, Charles Mix and Buffalo counties—Joseph La Roche, William Holbrough (Charles Mix). Sixth District, Todd and Gregory counties—Not represented. Seventh Representative District, Pembina County—John Hancock, elected to succeed Enos Stutsman, resigned to accept registership of the Pembina Land District.

The oath of office was then administered to the members by Associate Justice Brookings.

A temporary organization was then effected. Mr. Hand nominated Amos F. Shaw for temporary speaker, and Mr. La Roche nominated Philip Sherman, of Clay. Mr. Shaw was elected and took the chair.

George I. Foster was then elected temporary chief clerk, when the House adjourned until 11 A. M. Tuesday, the 6th inst.

On the second day the Council was unable to effect a permanent organization owing to a disagreement among the republican members, who were in the majority. Emory Morris was the leading republican candidate, and John W. Turner, the democratic candidate. A ballot was had, resulting in six votes for Morris, viz.: Messrs. McIntyre, Stone, Brauch, McKay, Cuppett and Kennedy, 6. Morris and Miner voted for Kidder; Armstrong and Fraley voted for Turner; Kidder voted for Miner, and Turner for Fraley. There were twelve votes cast, requiring seven to elect. The Council then adjourned until the following day at 10 o'clock.

The House met on Tuesday morning, and after roll call and prayer proceeded to the election of a permanent speaker. Mr. Miner nominated George H. Hand, of Yankton, and Mr. Mostow nominated Amos F. Shaw, of Clay; and Mr. La Roche nominated Sterling L. Parker, of Union. A ballot being had, Mr. Hand received the votes of Messrs. Leonard, Miner, Hammon, Sampson, Iverson and Jerauld, 6. Mr. Shaw received the votes of Messrs. Allen, Cross, Mills, Mostow, Wherry and Dow, 6. Mr. Parker was voted for by Messrs. Sinclair, La Roche, Sherman and Kennedy, 4. Mr. Sherman received the votes of Messrs. Keegan, Wall and Holbrough, 3. Mr. Hand voted for Mr. Hammon, and Mr. Parker for La Roche. No choice, whereupon the House took a recess until 2.30 P. M., when the body again met and proceeded to ballot for speaker, the result being: Hand, 7; Parker, 3; Shaw, 7; Hammon, 2; La Roche, 1; Sherman, 2. No choice, and the House then took a recess for one hour, during which time the differences existing in the republican membership were amicably arranged, and upon reconvening Mr. Hand was elected speaker by a vote of 18 to 2 for Sherman, and two blank ballots. Those voting for Mr. Hand were Messrs. Allen, Iverson, Dow, Sinclair, Jerauld, Cross, Mills, Mostow, Shaw, Wherry, Leonard, Miner, Hammon, Sampson, Wall, Holbrough, 18. Mr. Sherman received the votes of Messrs. Keegan and La Roche. Mr. Hand was declared elected speaker, and escorted to the chair. The following subordinate officers were then elected: George I. Foster, Yankton, chief clerk; C. B. Valentine, Union, assistant clerk; John McClellan, Minnehaha, sergeant-at-arms; E. C. Stacy, of Clay, fireman; Eugene Williams, of Union, messenger; and Rev. Joseph Ward, Yankton, chaplain.

The usual committee to notify the governor and Council were then appointed, when the House adjourned until 10 o'clock Wednesday.

The Council met on Wednesday, the third day, and after the usual preliminaries proceeded to ballot for president. Six ballots were taken, all resulting as on yesterday.

After the sixth ballot, Mr. Turner withdrew as a candidate, making the following explanatory remarks:

Mr. Chairman: We have now reached the third day of our session and have cast thirteen unsuccessful ballots for president of this body, and are still no nearer a permanent organization for business than on the first day we convened. I am a democrat, and my party in this Council is in the minority, but I have considered it a duty to my political associates here who have nominated me and supported me with unflinching devotion to remain as their candidate before this body until all honorable efforts towards my election proved unavailing.

and the interests of the people began to suffer. I am well aware that the few democrats in this body have the balance of power to prevent a permanent organization, but while I claim to be a strict party man, I do not consider it my sworn duty as a representative of the people to remain a candidate here for the purpose of blocking the wheels of legislation. This has never been the policy or intent of the party to which I belong, and I do not now desire to stake my own greed for office against the suffering interests of the territory. Thanking my political associates here for their persistent and unwavering support in my behalf, I most respectfully withdraw my name as a candidate for the presidency of this body and hope upon the next ballot the republican members of the Council may make choice of a president, that we may at once proceed to the performance of the duties for which we were sent here.

The balloting for president then proceeded, Messrs. Turner, Fraley and Armstrong having been excused from voting. The ballot resulted: Morris, 5; Miner, 1; Kidder, 2; McIntyre, 1; and Morris was declared elected, and was escorted to the chair by Messrs. McIntyre and Turner, upon taking which he addressed the Council as follows:

Gentlemen of the Council: Allow me to express my humble, sincere gratitude for the marked respect you have shown me. I accept the position with which you have honored me with appreciation of its grave responsibilities. So far as my feeble judgment and limited experience will enable, I shall studiously endeavor so to discharge its duties as to merit your worthy cooperation. And I shall entertain the fond hope that all our deliberations, guided by a profound regard for the general public welfare of our territory, and aided by the divine power upon which depends the existence of all governments, may be attended with associations pleasant to ourselves and result in the advancement of the real benefit and true happiness of every individual within the influence of our action. I thank you for your attention.

The permanent organization was then completed by the election of the following officers: George T. Rea, of Lincoln County, secretary; H. C. Greene, of Bon Homme, assistant secretary; Louis Sampson, Yankton, sergeant-at-arms; Andrew Ranner, Union, fireman; Robert Crew, Clay, messenger; Rev. P. B. Morrison, Clay, chaplain.

The usual committees were appointed to inform the governor and the House of the organization.

Mr. Turner introduced a memorial to Congress asking for the extension of the session to sixty days; and Mr. Armstrong presented a memorial for the amendment of the pre-emption law, extending the time of proving up, when the Council adjourned.

The delay in the organization of the Legislature arose from antagonisms growing out of the late election when the republicans were divided between Spink and Burleigh, candidates for delegate. While no particular significance attached to the selection of the speaker or president so far as the proceedings before the Legislature were concerned, it seemed desirable by each faction to secure such endorsement, and the Spink faction won in both houses. While the democrats did not contribute directly to this result, their moral support was with the victorious side owing to the report that Mr. Burleigh would proceed to contest the seat awarded to Armstrong, and steps had already been taken with this in view. It will be borne in mind that the members of the Legislature were elected in 1866, but no session of the Legislature was held that year, and the attorney-general had decided that the members then elected were the lawful members of this present Legislature. All parties had nominated and voted for members of the House in 1870, and had the opinion upheld this last election, the democrats would have had a good majority of the House.

On the fourth day the two Houses met in joint convention and received the governor's message, which was delivered in person, and is herewith presented, because of the official information it furnishes regarding the material conditions of the territory:

BURBANK'S FIRST MESSAGE.

Gentlemen of the Council and House of Representatives:

In accordance with the usual executive custom I communicate to you from the executive office of information which I have at command the condition of public affairs in this territory.

and recommend for your consideration and legislative action such measures as, in my judgment, will promote the general welfare of the people.

BIENNIAL SESSIONS.—By an act of Congress, approved March 3, 1869, it was provided that thereafter the members of both branches of the Legislative Assemblies of the several territories should be chosen for the term of two years, and that the sessions should be biennial instead of annual, as before; also that at the first session after the passage of that act each Legislature should make provision by law for carrying the act into effect. In the absence of the necessary appropriation to provide for the expense of a meeting of the Legislature last year I did not deem it advisable to call the members together. I see no cause now to regret the course taken in this respect, as I am not aware that any public interests suffered thereby; while the rapid increase of our population during the past year, and the occurrence of various events of interest within that time, will bring up questions requiring action upon your part in many important particulars. This being the first meeting since the passage of the act referred to, it will be necessary to so change the laws of the territory affected by it as to make them conform with its provisions. It is perhaps unnecessary that I should, in this connection, admonish you, in view of the changes that have taken place within the past two years, and the fact that two years more must elapse before the assembling of another Legislature, that the short time which you are allowed to remain together should be employed so as to yield the largest possible amount of wise and judicious legislation.

CODIFICATION OF THE LAWS.—With those to be enacted at the present session, the territorial laws will be comprised in nine different volumes, the work of as many legislative bodies. Their revision and codification has become a matter of the greatest importance, and the difficulty and uncertainty growing out of the present want of systematic arrangement is well known to all who have occasion to refer to them. I recommend that you provide by an act of the Legislature for the proper performance of this work by competent persons at the earliest practicable moment, and look to Congress to indemnify the territory for any expense thereby incurred. The value of law lies in its certainty; and nothing so detracts from the good effects of legislation as frequency of amendment, change, and the confusion and fragmentary character of badly arranged, illy digested and poorly expressed laws.

TERRITORIAL FINANCES.—By an act of the Legislature the territorial auditor and treasurer are allowed until the first week in January in which to prepare and lay before you their reports. I am not, therefore, at this time in possession of accurate official information relative to the financial condition of the territory. At the proper time, however, I presume you will be furnished with detailed reports from those officers, and I am led to believe that the showing will be a favorable and satisfactory one.

EDUCATIONAL MATTERS.—By a letter received from Hon. T. McK. Stuart, dated September 9, 1869, I was notified of his resignation of the office of superintendent of public instruction, to which he had been elected, and I subsequently appointed Hon. James S. Foster to fill the vacancy, subject to the approval of the Council. His report has not been received by me, but it will probably be laid before you some time during the present week, as provided by law, and it will doubtless contain some suggestions of importance for you to act upon. The common school system of the territory is yet in its infancy, but there is an undoubted disposition on the part of our intelligent population to give it an active and earnest support. While we have the experience of the old settled eastern states, as well as that of the younger but equally vigorous and prosperous western ones, to profit by, there is certainly no reason why our system should not be made as near perfect and as successful in its operations as any that can be devised.

TERRITORIAL PENITENTIARY.—By the provisions of an act of Congress, approved January 22, 1867, the net proceeds of the internal revenue of this territory for the three fiscal years ending June 30, 1868, were to be set apart for the purpose of erecting a penitentiary building. I am informed, however, by a letter received from the secretary of the treasury, in response to one addressed to him on the 4th of July last, that the expense of collecting revenue in this territory during the period named exceeded somewhat the amount of the collections made. As it is highly important that the territory should be provided with a suitable penitentiary, it will be necessary to take some other steps looking to this end.

INSANE PERSONS.—It is also important that some provision should be made for the custody and treatment of insane persons. The care of their property is provided for in our laws, but we have no enactment under the authority of which the persons themselves may be properly cared for. Humanity dictates that this unfortunate class of persons, however few may be their numbers, should not be neglected when prompt and careful treatment might result in their permanent recovery. In view of this, it is important that provision should be made for their removal to the asylums of neighboring states until their wants can be properly met within our own borders.

PREEMPTION LAWS.—It has been decided by the commissioner of the general land office that the provisions of the second section of the act of Congress approved July 14, 1870, entitled "An act to extend the provisions of the preemption laws to the Territory of Colorado and for other purposes," apply also to this territory. The enforcement of this law as thus interpreted would result in a very great hardship so far as a large proportion of the settlers of this territory are concerned, requiring them to prove up and pay for their claims within

a year after the passage of the act, and before they will have time to raise another crop, without reference to their past misfortunes or their ability to do so. The task of reclaiming and subduing the wild and untilled prairie is at first a hard and unsatisfactory one, but the industrious immigrant, however small may be his possessions when he begins the work, must inevitably succeed in a few years in bringing about his own worldly prosperity and independence if he has only the elements to contend with. So different would be the workings of this law from the usual liberal policy of the Government when dealing with its poor but industrious citizens, and so manifest must be the hardships which will result from it, that I trust it may be one of your first acts to memorialize Congress for such a change in its provisions as will enable the settler to so far reclaim the wild land which he seeks to render habitable as to insure for himself a living thereafter before being compelled to pay for it.

INDIAN AFFAIRS.—Under the wise and humane policy of President Grant marked progress has been made by the different Indian tribes in this territory towards civilization. As their ability to supply the food and raiment necessary to their comfort has been lessened, their wants have been met through the bounty of the Government, while they have also been encouraged to cultivate the soil, instructed in the arts of peace, and directed in the paths of Christianity. The wild and savage nature of the Sioux Indians cannot be changed in a day, but the treatment they are receiving is having a marked effect upon them. The character of the food, in itself, with which they are supplied has a tendency to change their wild nature very materially from what it was when they fed alone upon the buffalo and other animals caught in the chase. With their progress towards humanization, it is important that an ambition to rise higher in the scale, and to become intelligent producers instead of indolent consumers, should be implanted within them. Unless this can be done, their future career must necessarily be a brief one, since the rapid settlement of the country will soon leave them no spot upon which their wild and savage disposition can be satisfied, and it is clearly not in accordance with the spirit of our free institutions that one class of people should live solely upon the industry of another. It must be confessed, however, that the class of people who are making their homes upon our broad prairies bestow much less thought upon questions growing out of the future civilization and prosperity of the red man than they do upon the one of greater importance to them, whether or not their own safety may be fully assured while building homes for themselves and their posterity. In this respect a marked improvement has been shown the past year. The few companies of troops stationed at the different agencies have served to effectually prevent trouble, their presence alone proving sufficient to convince the Indians that while the Government was disposed to deal justly by them, it was also determined to require a strict observance of treaty stipulations in return. Our frontier now rests in security, and the husbandman turns the sod without fear of the whoop of the savage or the crack of his rifle. I trust that this feeling of security may be still more firmly fixed in future, and that, as the Indian shows a disposition to accept the new order of things and shake off his wild nature, the old condition of fear and hate between him and the white man may pass away.

RAILROADS.—Up to the present time the settlement of the territory has been confined almost entirely to the lands bordering upon the Missouri River and tributary streams in its southeastern portion, and even here the difficulty of securing a regular and constant market, dependent upon a reliable and speedy means of transportation, has prevented the farmer and grazer from realizing as much from the care and labor bestowed as they could have desired. Before the meeting of another Legislature the Northern Pacific Railroad, which passes through the northern portion of the territory, will doubtless have been completed across our border. This will open up to settlement a vast portion of country which, in its present isolated situation, offers almost no inducements to the immigrant, but which, with the facilities which this great thoroughfare will afford for communication with the world at large, will be rapidly settled and cultivated. Several other lines of railroad are also projected through the southern and central portions of the territory with a view to their eventually forming a part of the great iron network which is soon to cover the whole of our vast country. For these lines, bills asking for grants of land to aid in their construction are pending before Congress and in some instances have already passed one branch of the National Legislature. We can scarcely estimate the value of these proposed roads as mediums of communication, and as instrumentalities in the speedy development of our wonderful agricultural resources. While we should memorialize Congress to encourage with needful and even generous aid these works, we should protest against any policy which may undermine our greatest bulwark of national strength—the natural right of labor to the soil—by sapping the foundations of the homestead and preemption laws, which insure our fertile soil to the hardy yeomen of the nation. Let us see to it that all lands granted in aid of these roads shall be guarded by such restrictions as will secure to actual settlers the lands so granted, in quantities not greater than 160 acres to any individual, and at a price not greater than \$2.50 per acre, and that the alternate sections shall be obtained only by homestead and preemption as at present. These laws are our boasted blessing, which extend their broad arms of protection around the homes of the pioneer and make continued appeal to every citizen of the world to come forward and "emancipate the soil" by industrious effort, to build homes and establish a patrimony for their children, loyal to her Government and sacred to her free institutions. We should look with jealous alarm at any policy

which may cripple or abridge the benignant action of these laws, or which may bar and bolt the doors of our national heritage and give the keys of bondage to rapacious and close-listed monopolies, when millions of industrious and landless poor are knocking at our threshold and begging for the privilege of raising their own bread.

ECONOMY.—In the conduct of public affairs I recommend an economy bordering on parsimony. The territory is yet in its infancy, and though vigorous and promising, it requires only that aid which will promote a natural and healthful growth; and while she remains in her swaddling clothes of claim shanties and partially cultivated settlements, and under the care of the mother Government, we should shape our expenditures to the lowest possible fraction.

THE FUTURE.—The present winter will probably be marked by the historian as the crisis for Dakota. The partial failure of the crops in sections where the lands are still new and unreclaimed, and the large influx of settlers, coming, in many instances, without the necessary means of subsistence or the proper safeguards against the severity of our northern climate, may cause, to some extent, privation and discouragement. In the future prosperity of the territory, however, I have the greatest confidence and I do not doubt that with the opening of spring will begin a steady onward march, resulting in the speedy development of our abundant resources; and that another decade will find upon our fertile soil as yet a stranger to the plowshare the myriad dwelling places of a hardy, vigorous and intelligent people, surrounded by the innumerable blessings bestowed by a kind Providence upon the citizens of a great and free republic.

JOHN A. BURBANK.

Yankton, December, 1870.

The message met with a very favorable response from the members of the Legislature, who testified their satisfaction by ordering many thousands of copies printed in the English language. Mr. Hancock, the Pembina representative, whose constituents were largely Canadians, and who were familiar with the French language and who could read English indifferently, secured the adoption of an order to print 300 copies in Canadian French. There was likewise an order passed to print some hundreds in the Norwegian and German languages, all of which were pigeon-holed by the territorial secretary, who had no funds to disburse for printing documents in foreign languages.

The various committees were appointed by each body, and a new committee added by the House, known as the Committee on Benevolent Institutions. This was the first legislative action taken by a Dakota Legislature looking to the care and custody of insane and other unfortunates, and an act was passed during the session providing for the custody of criminals and the care of other public charges.

Mr. Hancock introduced a bill early in the session to incorporate the Dakota Central, Yankton and British Possessions Railroad Company.

A bill to amend the election law of the territory by striking therefrom the word "male" was defeated in the House by a vote of 15 to 7. The session was an unusually quiet one after the organization, devoted to legitimate legislative business, and though the number of measures passed was less than the average of former Legislatures, a large number of measures were considered.

Among the important laws enacted was the herd law, entitled an act to protect cultivated land and young timber from trespassing animals. The grain raising farmers demanded this law; fencing material was expensive and difficult to procure, and herding was much cheaper at that time and grazing land abundant. The measure met with but slight opposition. An act concerning divorces was also passed. Also establishing a bureau of immigration, which appointed James S. Foster, commissioner, and appropriated \$200 annually for postage and circulars; and \$300 annually for general purposes; an act defining the manner of organizing unorganized counties; an act defining the boundaries of certain counties; an act apportioning the members of the Legislative Assembly; a new election law; an act defining the judicial districts; to organize Brookings County with Martin Trygstad, L. M. Hewlett and Elias Thompson, county commissioners, and W. H. Packard, county clerk; county seat at Medary. An act to organize Hutchinson, Turner, Hanson and Buffalo counties. A large number of memorials to Congress covering a variety of subjects, mail routes and public roads leading the lists, were passed.

The apportionment law passed by this Assembly, for the first time exhausted the limit of membership allowed by the organic act, viz.: thirteen members of

the Council and twenty-six members of the House. The Council limit had been reached, however, in 1863. Under this latest apportionment the counties were set off into districts as follows: First District—Union County; three councilmen and five members of the House. Second District—Clay County; three councilmen and five members of the House. Third District—Yankton County; four councilmen and four members of the House. Fourth District—Bon Homme and Hutchinson counties; one councilman and two members of the House. Fifth District—Charles Mix and Buffalo counties; one councilman and two members of the House. Sixth District—Lincoln, Minnehaha, Brookings, Deuel and Armstrong counties; seven members of the House. Seventh District—Pembina and Hanson counties (Dakota); one councilman and one member of the House. Todd and Gregory counties and all representation west of the Missouri River were dropped from the new apportionment, that country having been set apart by treaty as a portion of the Great Sioux Indian Reservation.

The Legislature changed the boundaries of the judicial districts, and for the first time gave to the northern portion of the territory one of the three courts and an associate justice. Pembina, Brookings and Deuel counties were constituted the Third District and the District Court appointed to be held at Pembina in June and September.

Clay, Union and Lincoln counties were made the First District, and two terms of court were to be held in each county during the year.

Yankton, Armstrong, Jayne, Bon Homme, Hutchinson, Charles Mix, Minnehaha and Buffalo, and all of the territory not included in the other districts were constituted the Second District, and two terms of court each year were appointed to be held in Yankton, Bon Homme, Charles Mix and Buffalo and Hutchinson united; and one term at Sioux Falls.

KEEPING CONVICTS

A law was enacted by the Legislature of 1870-71, designating the penitentiary at Fort Madison, Iowa, as the official penitentiary of the Territory of Dakota. The United States had confined its Dakota convicts in the United States prison at Detroit, and in some instances at Fort Madison, but the territory had had no occasion for a penitentiary until Frank Sullivan was convicted of horse stealing in the Territorial Court at Yankton in October, 1870, and was sentenced by Chief Justice French to three years' hard labor in the "Iowa state prison at Fort Madison." Sullivan thus became Dakota's first convict. It cost the territory 50 cents a day to defray the expense of his care and custody. He was taken to prison and safely delivered to the warden by Sheriff Harvey J. Brisbine, of Yankton County, about the middle of December, 1871. Sullivan was an old offender, and the crime for which he was convicted was rather remarkable in criminal annals, and in one respect it had a ludicrous feature. In the spring of 1870 Frank Sullivan was arrested in the up river country by U. S. Marshal Litchfield, for stealing horses from the Indians, brought to Yankton, tried for the offense, and through the efforts of Gen. William Tripp, his lawyer, was acquitted and set free. He remained in Yankton, and during the summer obtained employment with Bartlett Tripp, a half brother of his former attorney, and while so employed, and during the temporary absence from town of Mr. Tripp, Sullivan forged his employer's name to an order on S. Eiseman & Co., for a suit of clothes, which he procured. The forgery was soon discovered, and a warrant for Sullivan's arrest was issued. He had flown in the meantime; but the sheriff found him at an Indian camp in Smutty Bear's bottom, brought him to town and locked him up. He was subsequently arraigned before Justice of the Peace Brisbine and, waiving examination, was held to answer to the District Court, and in default of bail was committed to jail. On the night following election he escaped from jail, went to the stable of Gen. William Tripp, who had gotten him out of his first scrape, took his horse and fled in a westerly

direction. He was overhauled in Bon Homme County, where he had been trying to negotiate another forged order, with General Tripp's name to it, with John Owens, and had the horse still in his possession. He was again brought to Yankton, lodged in jail, securely ironed, and at the October term of court tried and convicted of horse stealing, and sentenced and confined as above related. He was a young man, not more than twenty-five years of age, of pleasing address, and apparently could have succeeded well enough in life by pursuing an honorable occupation and a law-abiding course. On the contrary, he became the first to enter prison walls for crime committed against the statutes of Dakota Territory.

CRESCENT CITY

A new colonization scheme on a large scale was inaugurated in the fall of 1870 by the Peoria Emigration Society, of Peoria, Illinois. This society sent its agents to Dakota to look up a suitable place for a colony of about two hundred heads of families and single men. The agents investigated and finally decided upon a location about seventy-five miles above Fort Randall and within four miles of the mouth of White River on the west side of the Missouri River. Here they found a grand country, and an excellent townsite which they had named Crescent City, and picked out about two hundred quarter sections for their colony. Good deposits of building stone and an excellent steamboat landing were among the attractions at Crescent City. The location met the description given by Lewis and Clark of that particular section. The colony did not follow the lead of its representatives. It is probable that in selecting the location the agents were not informed that it was Indian country, and they learned this upon making application to file at the local land office. They had selected the part of the Great Sioux Reservation later known as the Lower Brule Reservation.

This colony was called also the "White Earth Colony." Their representatives, discovering that they had selected Indian land, recrossed the Missouri and located opposite the mouth of White River, laying claim to a townsite and 193 quarter sections of land surrounding on the east side, and a few miles below the future townsite of Chamberlain. The town was afterwards named, at a meeting held at Peoria, "Mattalousa," in memory of a Sioux Indian chief who had rescued a wounded United States officer from a band of savages, took him to his own tepee, nursed him to health and restored him to his friends. This town was popularly known as Brule City, and was the first settlement founded in the Missouri above Charles Mix County and south of Bismarck. It was located on the east bank of the Missouri River and about opposite the mouth of White River, and some ten or twelve miles below the present City of Chamberlain. That vicinity had for some time been favored for the location of a colony of farmers with a trading point of their own, and the western bank of the river was the favorite, but the land there being Indian country, settlers were forbidden to take up residence on that side. The Brule City move was under the supervision of Mr. Daniel Harnett, a pioneer of Sioux City and Dakota, and Mr. John Nelson was at the head of the first party of emigrants, while Mr. Charles Collins, editor and proprietor of the Sioux City Times, was a member of the company and an active worker. It was for a time looked upon as a movement connected with the Fenian organization, but subsequent events did not justify the apprehension.

D. W. Spalding was a prominent member of this company, and the last man to abandon Mattalousa when the country was added to the Great Sioux Reservation in 1870, by President Grant's proclamation. When the lands were again placed in market by the executive proclamation of President Hayes, Brule County had been organized and Chamberlain, some twelve miles above, had been laid out and occupied, which appears to have discouraged the founders of Brule City, who made no further effort to promote its commercial interests.

CHAPTER XLVII

EARLY STEAMBOAT DAYS AND YEARS

1830 and Later

THE FIRST STEAMBOATS—THE DAYS OF THE MACKINAW—CAPTAIN JOSEPH LEBARGE A PIONEER—HOW THE TRANSPORTATION TRAFFIC GREW—PROFIT IN THE BUSINESS—THOUSANDS OF RETURNING MINERS—A BAD MAN—BURNING OF THE CHIPPEWA—A BATTLE WITH HOSTILE INDIANS—FIRST TRIPS UP THE YELLOWSTONE—DERIVATION OF THE NAME—MINING PARTIES RETURNING WITH HALF A MILLION IN GOLD—DESTRUCTION BY FIRE AT ST. LOUIS—FIVE CRAFT FROZEN OUT OF HARBOR—STEAMBOAT IN A TORNADO—LOG OF THE PENINAH SHOWING THE NAVIGABILITY OF THE MISSOURI IN THE FALL—LOG OF THE FANCHON DESCRIBING A LATE JOURNEY ON THE YELLOWSTONE—CAPT. JAMES M'GARRY TELLS OF THE GRANDEUR OF A MISSOURI VOYAGE—THE DESTRUCTION OF SNAGS—THE MISSOURI ONE OF THE GREAT NAVIGABLE RIVERS OF THE WORLD.

Up to about the year 1835 the commerce of the Missouri had been largely carried on by means of sail and oarboats and mackinaws. Steamboats, however, were plying in the lower river as will be seen by the following printed in a directory of the City of Cincinnati in the year 1819, which appears to announce the first attempts to navigate the Missouri with craft propelled by steam:

The steamboats Expedition, 120 tons, and the Independence, fifty tons, built near Pittsburgh, are both destined for the same voyage of discovery, the Independence being the first steamboat that has undertaken to stem the powerful current of the Missouri. They both arrived at Franklin (Boon's Lick), Howard County, 200 miles up the Missouri from its mouth, in the month of June, 1818. It is now ascertained beyond a doubt that this important and extensive river, for several hundred miles at least, can be navigated by steamboats with the same ease and facility as the waters of the Ohio and Mississippi.

Following the pioneer efforts of the Expedition and Independence came numerous voyages that finally penetrated as far as the mouth of the Big Sioux, and for a long time that locality was looked upon as the head of navigation. Pierre Choteau did not share in this belief. He was interested in steamboat lines, and about 1832 had two boats built especially for the upper river trade, one of which, the Antelope, under Mr. Choteau's direction as pilot, made a successful trip to Fort Pierre, and soon after the other boat, named the Assinaboine, succeeded in reaching Fort Union. This success revolutionized the carrying trade of the upper river, and also carried consternation into many an Indian village, where the inhabitants had never seen or heard of a steamboat, and it was a long time before they could become accustomed to them. At first they were regarded as a living monster that would devour everything in its path and the superstitious natives could hardly be induced to remain near the place where a boat was tied up. But their fears gradually wore away until it was not an unusual thing to see a half hundred friendly redskins taking passage from one Indian village to another and paying the transportation charges with a buffalo robe. Other companies employed steamers after Choteau's successful trip to Pierre, but were never able

to get beyond Fort Union, near the mouth of the Yellowstone, until 1849, when the *Genoa*, under Captain Throckmorton, is said to have made a successful run to Fort Benton. Mr. James Parsons, late of Yankton, is authority for this statement. He claims that he made the trip on the *Genoa* in 1849 as cabin boy, being then eighteen years of age. He bases his statement as to the time on the discovery of gold in California, which important event occurred the same year.

CAPT. JOE LA BARGE

In 1832, Joseph La Barge, then but seventeen years old, was running on the Mississippi, and was present at the Indian battle of Bad Axe, Wisconsin. During the same year he came on to the Missouri River, and began learning the river, preparing himself for the profession of a pilot, the most important department in the steamboat industry, and highly lucrative to men who were thoroughly trained to it. His first trip on the Missouri was on the steamboat *Yellowstone*, 1833, which was built in Pittsburgh in 1827, and was the first steamboat to engage in the upper Missouri trade. She was built and owned by the American Fur Company, of St. Louis, Pierre Choteau, president, and was commanded in 1832 by Captain Young. She was laden with miscellaneous merchandise designed for trading purposes with the Indians. This boat went up the river to the mouth of the Yellowstone River, the trip taking all summer. In those days and for some time afterwards steamboats were of a primitive character, both in appearance and construction, being of very heavy draft, leaving St. Louis drawing five and six feet of water. They were very narrow, had single engines, side wheels, and were very hard to manage. Still the trip of the *Yellowstone* was made, but with very hard work. The *Yellowstone* ran back to St. Louis and up the river once more that fall, and La Barge spent the winter with Cabanne, a trader, who was located in the neighborhood of the present City of Council Bluffs, though on the west side of the river. The *Yellowstone* continued to run on the Missouri during the year 1833 and 1834, and during this latter year the company sold her and built a new boat called the *Assiniboine*, named after the Indian tribe or the river of that name in Western Canada, to take her place. She was commanded by Captain Pratt. She made a very successful trip, but in 1835 she was burned about three miles below where Fort Abraham Lincoln was afterwards built. There was no insurance, and the company lost about seventy-five thousand dollars in furs, which was a very large amount at that time. They had put on board the boat all of their fine fur, thinking they would be safer there than on the Mackinaw boats.

La Barge was now a licensed pilot, and a young man of high character; and was made captain of the company's boat as well as pilot, in which employment he continued for thirty years, and never lost a boat. In 1839 he built his first steamboat for the Missouri trade and during the succeeding thirty-five years built fifteen steamboats, the last one being the *John M. Chambers*, and the first stern-wheeler he constructed. He was convinced that a stern-wheeler was better adapted to the Missouri River than any other kind of boat, and unquestionably the best style for navigating the Yellowstone.

Steamboating was very profitable in the early days, according to Captain La Barge. The passenger boats on the Missouri River from 1864 to 1869 were the finest and most substantial ever built, and cost from one hundred and ten to one hundred and twenty-five thousand dollars each. They were not as large as some of the Mississippi boats, but in all their furnishings and accommodations, including the table, they were unexcelled. People demanded floating palaces and would not travel on an ordinary steamboat if they could avoid it.

La Barge recalled a number of trading posts along the river in the years 1833 to 1840, and mentioned one called Fort Vermillion, which he says was just below the mouth of the Vermillion River, and a large establishment.

The beginning of navigation on the Missouri River, as understood in these modern days, refers to the time when vessels propelled by steam power first began to plow its waters. Antedating that period for a century, large mackinaw boats propelled by oars and drawn with the aid of ropes by men or animals, carrying several tons of freight and an ample crew, transported merchandise from the mouth to the head of navigation near the Great Falls, a distance by river of about three thousand miles.

Steamboat traffic on the upper Missouri, which was inaugurated in 1830 by Pierre Choteau with the steamboat *Antelope* or *Assiniboine*, did not exhibit any notable increase for the following twenty years. There was not a sufficient increase of business to demand it.

The Harney expedition of 1855 and the building of Fort Randall in 1856-57 gave temporary employment to two or three vessels. But the fur trade, which was the only substantial industry, was amply accommodated by scores of mackinaws, a few itinerant traders with ponies, and the occasional trips of steamboats other than Choteau's two stern-wheelers, that made voyages whenever occasion demanded as far up as Fort Union, which was supposed to be the head of steam navigation for a number of years. Above that fort transportation by river was furnished altogether by mackinaws.

Following the construction and operation of Choteau's boats, the American Fur Company put the steamboat *Trapper* in the upper river carrying trade in 1840. In 1841 the *General Brooks* was added. In 1843 the *Prairie Bird*, owned by Honore Picotte, and in 1851 the American Fur Company launched the *St. Mary*. It was not until the discovery of gold on Salmon River in what is now Montana became known to the public, about 1862, that the steamboat traffic began to show notable increase. The discoveries on Salmon River were made as early as 1850, and a large mining population had entered the country from California and other Pacific coast and mountain communities, and this population were not long in ascertaining that the Missouri River was the most economical route for immigration from the east, and the preferable route for carrying the large amount of freight, which was growing rapidly as new discoveries were made. And in 1862 the famous Indian war led by Little Crow broke out, the hostiles driven west to the Missouri and beyond making an emergent demand for twenty-fold increase in transportation facilities. New military posts were erected, new Indian agencies established along the upper river. Many of the expeditions against the hostile red men found it economical and expedient to patronize the river. New boats by the score were built expressly for the upper Missouri, the side-wheeler had been discarded as not adapted to the channel, and all boats then built or later were on the stern-wheel model. Even the mammoth Dakota and Montana crafts, equal in carrying capacity to the Mississippi River boats, were built on the stern-wheel pattern. These new boats, possibly to the number of 100, were constructed for the comfortable accommodation of hundreds of passengers as well as having a freight capacity reaching in some of the vessels as high as 500 tons. From the two or three in 1855, the number of steamboats reported to be employed in 1864-65 was not far from fifty, and during the next fifteen years this number was annually augmented until it reached seventy-five plying between Sioux City or Yankton and Fort Benton and intermediate points. And after 1873 another large fleet was also employed at Bismarck after the completion of the Northern Pacific Railroad to that point. In the meantime the navigation of the Yellowstone had been added to the Missouri. During this long period the transportation traffic of the upper Missouri River exceeded that of the Mississippi above St. Louis.

Among the natural advantages of Yankton during the years of its early settlement was an excellent steamboat landing, extending nearly the entire length of the city's river front. This was not the case with any other settled point on the river above Sioux City until Fort Randall was reached. This gave to the future capital city a steamboat trade and steamboat accommodations. The steam

boats Chippewa, Key West and Spread Eagle reached Yankton from St. Louis in May, 1859, all bound for the mountains loaded with supplies for the fur companies. The arrival of a steamboat was quite an event, and was the signal for a grand roundup at the river of the entire population. According to the general understanding at that time no steamboat had yet been able to reach Fort Benton owing to a very rapid current called the rapids some distance above the Yellowstone's mouth. On this trip each of these boats had started out early, expecting to find a good stage of water in the upper river, and their officers were determined to get through to Benton if possible. The Chippewa was successful, the others from defect in construction failing. The winner carried a cargo of 250 tons for the American Fur Company of St. Louis, which it delivered at Benton. It was considered a notable achievement, and the successful boat nailed the elk horns to its pilot house as a trophy of championship. The other boats transferred their cargoes to mackinaws about nine hundred miles this side of Benton and the remainder of the trip was made by cordelling the small boats through. The Chippewa returned in September and reached St. Louis five months from the date of departure, making the round trip of 6,400 miles in that time.

Another claim has since been set up for the first voyage to Benton. Mr. James Parsons, of Yankton, stated that the Chippewa was ten years behind the first Benton boat. He says that he made a trip to Fort Benton in the steamboat Genoa, Captain Throckmorton, in 1849. He was cabin boy on the Genoa, and eighteen years old, and fixed the date from the historical fact that it was the year of gold discovery in California. Steamboat men generally discredited the claim, the captain of the Genoa not having made it at the time or at any time afterwards.

BURNING OF THE CHIPPEWA

Captain Humphries, of the good steamboat Chippewa, with Commodore Choteau, of the American Fur Company, and the crew and passengers of the steamer, reached Yankton from the upper river on Wednesday, July 3, 1861, in mackinaw boats, bringing the startling intelligence that the boat had been destroyed by fire and explosion when lying-to for the night at a point about one hundred and twenty miles above the mouth of the Yellowstone. The doomed boat reached Yankton about the 15th of May, from St. Louis, on her way to Fort Benton, laden with a cargo of 160 tons, and carrying a number of passengers, among whom were four ladies, bound for the gold mines of Salmon River. The cargo was made up of outfitting goods for the American Fur Company's fort at Benton, annuity goods for the Blackfeet Indians, a large stock of groceries and provisions for merchants in Bitter Root Valley, and a large quantity of ordinary black and giant powder, amounting to 5,925 pounds, which was securely stowed away in the magazine surrounded by a barricade of boxes of tobacco to protect it from accidental explosion. Just after the boat had laid by for the night on the south shore a deck hand lifted a hatch for the purpose of descending into the hold to see that everything was safe, when the alarming discovery was made that the hold and its contents were on fire, which had already made dangerous headway. The flames poured out through the hatch so quickly and fiercely that the deck hand was seriously burned. Every effort possible was made to quench the fire, but it had reached beyond control and the boat's facilities were of no avail in the effort to fight it. It was soon evident that the vessel was doomed, the flames spreading to the light woodwork in less time than it takes to tell it, and very soon cutting off all ingress to the engines. Captain Humphries ordered everybody ashore and, fearing the hot blaze would communicate with the powder magazine, the passengers were obliged to abandon their personal effects. Once they had reached the shore these people clustered near the boat. Appreciating their danger, the captain induced them to remove to a point about a quarter of a mile away. They were reluctant to do this, but entreaties and explanations finally satisfied them that they had better follow the captain's energetic counsel. The

time employed in securing the safety of these people precluded the removal of the boat's books and records. It was thought best to cut the boat loose and let her drift down stream. This was done, and the flaming vessel swung away from shore and drifted to the opposite bank, where it grounded. She was now a mass of flames, roaring like a Niagara. Daylight had waned and the blazing boat illuminated the surrounding plains for miles. It formed an amazingly brilliant picture, but those who saw it were in no condition of mind to appreciate its magnificent features. And now came the climax of the grand spectacle. The hull of the boat was lifted up from the water, a deafening roar was heard, the waters of the river were forced up in great waves and columns, the ground trembled under the feet of the appalled spectators. Even the trees were swayed violently, and the air was literally filled with the blazing embers of the boat and its contents. The magazine had been reached by the flames and the phenomena of trembling earth and spouting water were the effect of the explosion. It was a scene of vivid reality, surpassing in its awful grandeur the power of ordinary language to describe. The plains were covered for a long distance with charred fragments of the boat and cargo. It was evident that the work of destruction had been very complete.

From the time when the fire was first discovered to the moment when the giant explosion occurred just sixty minutes elapsed. The work of many months was eaten up and scattered to the winds in just an hour. The destruction was so rapid and so complete and the direful disaster coming upon them so unexpected, like a bolt of lightning from a cloudless sky, that none realized the extent and thoroughness of the calamity for some time after the explosion occurred, and only when the tension of mind and body relaxed and gave way to Nature's appeal for repose, and the darkling veil of night had been drawn over the scene, the small colony of castaways on the shore began to look about for a resting place only to discover how complete was their destitution, how every trace of comfort had been obliterated by the destruction of the boat. Their situation was apparently one of extreme peril, particularly to the women. They had not a mouthful of food, no shelter, no beds but the bare earth, no weapons, simply the clothes that covered their bodies. They were nearly seven hundred and eighty miles by river from Fort Benton and 120 miles by river back to Fort Union, the nearest point where they could expect to find any relief. There was no boat above them and they knew nothing of the boats that were coming up the river. One might come along in a day and more likely not for a week. They felt that their situation was bordering on the desperate. In this forlorn and dangerous dilemma, Captain Humphries remembered a camp of "Wood Hawks," men who kept cordwood to sell to the steamboats, a few miles below and he soon had the entire party on the march for that camp, which was reached shortly after midnight, where a good-sized cabin was found well supplied with buffalo robes, some blankets, and coarse food. Especial attention was given to the comfort of the ladies, whose welfare was the first consideration.

The next morning the captain was able to procure canoes and a good-sized rowboat for the trip down to Fort Union, at which post an abundance of small boats and provisions could be had for those who wished to return. At Union everything needful was procured and all that desired were given free transportation and accommodations on the mackinaws for the trip home, intending to change to the first steamboat they should overtake bound downstream. As luck would have it, they were still on the outlook for a returning boat when they reached Yankton, but were quite indifferent about finding one, for they had grown accustomed to their narrow quarters, were having the finest of weather, and under more fortunate circumstances would claim that they were enjoying the voyage. A few of the male passengers and also a number of the crew had left the small boats at various points on the down trip, taking passage on the boats that were met bound for Benton, and there were a number. The ladies of the party were doing their best to be cheerful, but all of them had been

heavily in personal apparel and stocks of goods they were taking into the mines. They were going back home to receive the condolences of relatives and friends, but intended to make another effort the following year. All the people were most emphatic in praising the conduct of the captain. He had been everything that was manly and noble, patient, cheerful, bearing the hardest part like a brave, Christian gentleman. It was worth some small misfortune at least to have earned such sincere testimonials to his merits as a man and a steamboat commander. It was the intention of Commodore Choteau, who represented the fur company, to charter another boat at St. Louis and endeavor to take a stock of supplies through to Benton before the close of navigation. The Chippewa had been in the upper river trade for five years and was credited with making the first trip to Benton. It was a favorite craft with the Dakota people, who learned of its destruction with sincere regret.

The party passed on in a few hours. They were traveling at the rate of 75 to 100 miles a day, and expected to reach St. Joseph, Missouri, the first railroad point, inside of a week, where the passengers would board the cars for home.

PROFITS OF STEAMBOATS—INCIDENTS OF MACKINAW TRAVEL

A large number of steamboats engaged in the transportation of passengers, merchandise and supplies, to the upper Missouri country, including the forts, Indian agencies, supply depots and the gold fields of Idaho and Montana, in 1866. Beginning April 1st, the steamboats going up the river were the Deer Lodge, Cora, Waverly, St. Johns, Jennie Brown, Big Horn, Marcella, Mollie Dozier, William J. Lewis, Only Chance, Tacony, Iron City, Peter Balen, Favorite, Amelia Poe, Goldfinch, Ontario, W. B. Dance, Desmet, Ned Tracy, Dora, David Watts, Huntsville, Helena, Miner (Northwest Fur Company), Lillie Martin, Luella, Jennie Lewis, Tom Stevens, Mary McDonald, Gallatin, Lexington with troops, Marion, Agnes, Montana, Ben Johnson, H. S. Turner, Nellie Rogers, Amanda, Pocahontas, Jennie Brown, and Rubicon, with Colonel Reeves, of the Thirteenth Infantry, commander of the Military District of Dakota.

The owners of steamboats that carried on the Missouri River traffic from 1863, for several years, found their business very profitable. A St. Louis authority gathered some statistics on this point from a number of the boat owners in 1866 that showed the profits of the Mollie Dozier for that year to be \$50,100; the St. Johns, exclusive of the trip made for the Government with the Sherman Indian Peace Commission, \$17,000; the W. J. Lewis, \$40,000; the Deer Lodge, \$70,000; the Peter Balen, trip of ninety-six days, \$65,000; the Tacony, \$16,000. The steamboats Goldfinch, Iron City and Peter Balen were owned by one company, and cleared a profit of \$100,000. A large number of the owners declined to state their profit, but the statistician averred that none were less than \$10,000, and from that sum to \$40,000. There were in the neighborhood of forty steamboats engaged in this traffic, and the aggregate net profits of the entire fleet was set down at \$1,500,000.

During the fall of 1866 the arrival of miners at various Dakota ports, coming in mackinaw boats and skiffs, from the gold fields of Montana and Idaho, was much greater than during the year preceding, an evidence that the Missouri River route was in great favor among the gold diggers. Yankton being the capital and having an excellent boat landing, was about the only desirable halting place for these parties until Sioux City was reached. It was estimated that two thousand of these home-seeking adventurers stopped over at this point during October and November, and employed land transportation to the nearest railway point. As a rule the miners had a good-sized sack of gold, and how much more could only be conjectured. An inquiry as to the amount of treasure they had accumulated was met by an evasive answer as a rule. Where they made purchases they paid in gold dust and nuggets, all the merchants and one of the saloons, having provided scales for weighing the yellow metal. Nearly all the

available horses, mules and vehicles that could be procured, were engaged during this period in transporting these people from Yankton to the nearest railroad point, and many more passed on to points below before abandoning the river. After October, the weather turned quite cold, and the open boat travel became so uncomfortable that Yankton became the transfer point for nearly all arrivals. Some boats, however, were built and fitted out for all sorts of weather. One large craft arrived on the 1st of November. She was seventy five feet in length, fitted up with a deck, covering a cabin and sleeping bunks. She had on board eighty-two passengers, and was owned and commanded by Zina French, of Fort Benton, where the boat was built. The craft drew nine inches of water and could easily make 100 miles a day, with her canvas spread. She was fitted for rowing and sailing, and her owner claimed that he would clear a net profit of \$5,000 from this one trip. As a rule, the boats found ready purchasers at the various stopping places—parties buying to obtain the pine lumber, of which they were mainly constructed. A number of the older buildings in the Missouri River towns were partially constructed of material that was grown near the headwaters of the Missouri.

A party of three miners who, with seven others, were making the trip from Fort Benton to civilization, reached Yankton October 20th. About sixty miles above Fort Randall the party tied their craft up for the night near a sandbar and close to shore, and the men went out on the bar to sleep. During the night one of the party procured an axe, and with one blow crushed the skull and instantly killed one of his companions. He struck another in the shoulder, nearly severing the arm. The wounded man made an outcry and awoke the entire camp, when the murderer seized a rifle and escaped into the timber. The miners supposed they had been attacked by Indians, and without stopping to investigate hurried the wounded man to their boat, into which they jumped and pushed off downstream, leaving the dead man on the bar. The absence of the murderer and the wounded miner's story soon convinced the party that the Indians had had no part in the tragedy; but anxiety for the condition of their wounded companion determined the party to continue on to Fort Randall, where he could get medical aid. The party reached the fort during the day following, and placed their injured comrade in care of the post surgeon, informing the authorities at the post of the tragedy that had occurred. The commanding officer immediately dispatched a detachment of troops, accompanied by a number of the miners, to the locality of the homicide, but the slayer had made his escape. The slain man was given a decent burial. It was conjectured that the murderer had planned to kill the entire party with the axe, while they slept, seize their gold, and make his escape, after disposing of the bodies, by taking the boat. His plan failed, and he was then an outcast in the wilderness.

A few weeks later a man answering to the description of the murderer, which had been left with the sheriff, was arrested at Yankton and locked up. He had that day reached the settlement from the west, traveling afoot, and represented that he had left the steamboat *Miner* some distance up the river for the purpose of hunting; that the boat left him and he was obliged to walk, and for a time was lost on the prairie. He had a preliminary examination before Justice of the Peace George Pike, Sr., and was able to prove an alibi to the satisfaction of the court. A member of a mackinaw party that had reached town the night before the trial testified that the accused was at Fort Benton as late as October 12th. Such being the case, he could not possibly have been a member of the unfortunate crew, and he was discharged. He gave his name as Burton Baker. His close resemblance given of the murderer, and his arrest under circumstances that seemed to justify suspicion was all there was in the case against him. He was overjoyed when the judge released him. He had been apprehensive that something might be found to confirm the charge, and possibly Judge Lynch would take him in hand, as was frequently done in Montana in similar cases. He had been having a year of hard luck in the mines, he claimed, and had become careless

with the frowns of fortune. He reasoned that it would be in keeping with his luckless year to be held up here on a murder charge. The action of the judge led him to hope that he had reached a turn in the road, and might expect a change of fortune.

BATTLE WITH THE HOSTILES

Steamboating on the Missouri River was a precarious occupation in 1863. The country was in the midst of the Civil war and the State of Missouri was overrun with guerilla bands which did not hesitate to attack the steamboats engaged in transportation, claiming they were in the Confederate service and justified in their depredations by the well known laws of war. For this reason, the boats were compelled to wear a heavy iron armor, as the rebel bandits in some cases were supplied with artillery, and all had good rifles, therefore the boats were likewise fitted with artillery, and as a rule their armor consisted of heavy boiler iron. Running the gauntlet from the rebels, and reaching Dakota, as in the case of boats laden with Indian, military and Montana freight and passengers, the boats entered the field of the active Indian war, and after reaching the vicinity of Fort Pierre the hostile Sioux were encountered, and for a thousand miles above there was a daily liability of attacks from marauding bands of the Sioux, well armed with rifles and supplied with an abundance of ammunition. Boats insufficiently armored frequently returned riddled with bullets.

Eighteen hundred and sixty-three was the first full year of the great Indian war which broke out in the fall of 1862. It was the dryest year ever known by Missouri steamboatmen, the season of the lowest water in all the western rivers, the Mississippi included, and boats found it difficult to make any headway in the upper Missouri even with half a load. The Indians were defiant and bold and cunning. General Sully's first campaign was undertaken this year, and he consumed the whole season in getting his necessary supplies to a point near Fort Pierre, where, abandoning his dependence on the river, he made up a hasty equipment for a brief land campaign, and learning of the whereabouts of a large force of hostiles pursued and overtook them and fought the battle of Whitestone Hills.

In May the steamboat Robert Campbell, Jr., left St. Louis, heavily loaded, for Fort Benton. This boat met with the usual hostilities of the guerilla bands, and finally reached the theater of Indian warfare in Dakota in July, its voyage having been seriously hampered by the low water and meeting with Indian hostilities at a number of points. It had on board the Government Indian agent, Major Latta, in charge of a large quantity of Indian goods which the Government was sending to these same hostile Indians as presents, a custom that had been in vogue for some years, and designed as rewards for the peaceful conduct of the Sioux. These goods the agent would land at certain points where the Indians would gather to receive them, but this season they refused them, and the death penalty had been threatened against any that accepted them. But the Government representative insisted on landing the supplies at the appointed places and did so at great personal risk. Meeting with frequent warlike incidents, the Campbell finally reached Fort Berthold, where a good portion of its cargo was left, and then concluded to go on to Fort Union and store the remainder. It had reached a point forty or fifty miles below the mouth of the Yellowstone.

At Fort Berthold, Captain La Barge, in command of the Campbell, learned that he had been followed for a week by a Sioux war party numbering 500, which designed to seize the boat at the first favorable opportunity. The Sioux were on the right or west bank of the stream, and doubtless expected to find its opportunity when the boat had landed for fuel. At this time the Campbell had been joined by the steamer Shreveport, and the latter had been engaged to take a portion of the Campbell's cargo to Fort Union, and had already made a trip and returned for another load, when they were overtaken by the hostile Indian force. Joseph La Barge was master of the Campbell, and John Gunsolis

and James P. McKinney, pilots. Col. C. J. Atkins was a passenger on the Campbell, also Alexander Culbertson and his Indian wife. Mr. Atkins related the incidents of the battle, which are reproduced from Volume 2, Collections of the North Dakota Historical Society, 1908, Prof. O. G. Libbey, secretary.

(At this time, July, General Sibley, with his army, was advancing across Northern Dakota to meet these hostiles.)

Opposite Tobacco Garden, which was on the timbered side of the river, there was on the right hand, a high bluff. We saw that the woods on the left swarmed with Indians and that many ponies were tied there. We saw that the Indians were making great demonstrations of friendship, throwing their tomahawks down and scraping dirt over them and calling out for the boat to land. Alexander Culbertson and his squaw both told Captain La Barge that this was a dangerous war party and that they meant mischief. From what the Indians said among themselves Culbertson warned every one to be on guard against treachery. Captain La Barge called for volunteers to go ashore in the yawl and bring the chiefs on board. Atkins volunteered, but Captain McKinney would not let him go, as Culbertson warned him that the Sioux would kill every man in the yawl. The captain, with the Shreveport near at hand, stopped at a sandbar in the river, and the yawl was ordered to go to a dry bar that ran out into the river several rods from the steep wooded bank, which was at that point four or five feet high. When the Indians saw the yawl coming they crowded eagerly down on the sandbar, filling it completely from the water's edge to the bank. They reminded one of wild beasts about to spring on their prey. The yawl was manned by one of the deckhands and six roustabouts as oarsmen, and as it neared the shore an Indian picked up a dead tree top and threw it down to indicate where the landing was to be made. When the yawl reached the sandbar, one of the men got out and pulled it up and held it steady, while one of the Indians got in and seated himself with the steersman at the stern. Others shook hands with the oarsmen, standing in the water near the boat or with one foot on the gunwale. When the man on the bank made ready to shove off the boat, an Indian suddenly reached back over his shoulder for an arrow, seeing which Atkins, who had been keeping a sharp lookout from the deck of the McDonald, leveled his gun and fired at him. At the same instant he saw the Indian sitting in the stern of the yawl raise his spear and thrust the stroke oarsman through the body and leap out of the boat into the water. The steersman instantly sprang overboard and hidden by the gunwale managed to pull the boat off from the shore amid a shower of bullets and arrows, and swam with it back to the steamboat Campbell.

On board this boat a barricade had been erected of boxes and flour sacks, extending around the front of the boat, and behind this lay eighteen well-armed men, mostly passengers. A signal was now given, when a heavy volley from both the Campbell and the Shreveport cut through the mass of Indians on the bar like a reaper through grain. The dead lay thick all over the sand, while among them the wounded struggled to escape to the woods before the second volley was fired. From the shelter of the timber the Indians opened fire on the boats and a sharp fusillade was continued on both sides for some time. Then the boys on the boats began firing on the ponies tied in the timber, and the Indians made every effort to save them. One Indian, hideously painted with a white stripe down the middle of his breast and transverse stripes like ribs extending from it on each side, rode out on the bank in full view, and sat there waving a lance upon which were several scalps. All the whites on the boats appeared to have fired at him simultaneously, for both Indian and pony went down as if struck by lightning. Two of the pilots were firing from the rear of the pilot-house and an Indian who had crawled down far enough to command a view of their position, opened fire on them at close range. By watching carefully they finally located their assailant by the smoke of his discharge, and killed him at the first fire.

Of the men in the yawl, besides the one killed by the spear thrust in the heat of the fight, two more were shot while trying to escape in the boat, one of which

died instantly, and the other died soon after being taken aboard. One man received an arrow wound nine inches deep, but recovered, being just able to walk when the boat returned from its voyage.

A day or two after this battle, which was called the Battle of the Shreveport, there was a report at Fort Union that the Indian loss in the fight was twenty-eight killed and forty-seven wounded, beside eight ponies killed and four wounded. The whites' loss totaled three, as already narrated, who were buried the following day under a heavy guard. But it was evident that the Indians were not seeking a renewal of the conflict, for they were not afterwards seen.

Capt. Abe Hutchinson, it appears, navigated the Yellowstone River during the Civil war, according to the St. Louis Republican. In 1864 he started from La Crosse, Wisconsin, with the steamers Chippewa Falls and Cutler for Fort Benton. The Chippewa Falls was ordered up the Yellowstone in September, 1864, proceeding ninety miles above the mouth and relieving the Eighth Minnesota Regiment, or a portion of it that had been left in that quarter at the time of Sully's expedition in 1864. The Cutler was low water bound during the season at the mouth of the Marias River, which empties into the Missouri a few miles below Benton. She returned to La Crosse in 1865.

The Key West, Coulson line, Capt. Grant Marsh, master, was the first steamboat to reach the mouth of Powder River, a tributary of the Yellowstone. This was in 1873, and the achievement gave new importance to the Yellowstone as a navigable stream. The purpose of the trip was to enable General Forsythe, U. S. A., to select sites for two military posts in that section then overrun with hostile Sioux Indians. The sites were selected, but the posts were not built until 1877-78.

The people of Yankton were taken by surprise on Thursday, the 17th of November, 1864, to find the town literally overrun with a large number of gold miners who had reached here that morning from the gold fields of Idaho and Montana. They came in a fleet of seventeen mackinaw boats and numbered 180 men. Among them was William Thompson, who is mentioned in the early part of this history as one of the party who came to Dakota in company with M. K. Armstrong, and who went to the mines during the summer of 1863. Mr. Thompson had about three thousand dollars in gold on his person, most of it in leather belts supported by his shoulders and strapped around his body, the weight of which made him appear somewhat awkward as he moved around shaking the hands of his old pioneer friends. The party left Virginia City, Montana, on the 1st of October, and traveled overland about one hundred and fifty miles to a point on the head of the Yellowstone where they had arranged for the building of eighteen boats, which they found all in good condition and ready for the long voyage which they were about to undertake. They reached the Yellowstone October 8th, and started down the river on the 11th. Two days later one boat was wrecked by striking a rock, and was abandoned. On the 27th they came out into the Missouri and halted at Fort Union to purchase supplies. The first sign of Indians was met about one hundred and fifty miles below Union, but the savages did not trouble them. Near Painted Woods they passed a large camp of hostiles who opened fire on them but did no damage. The weather turned very cold after leaving Fort Rice and they suffered considerably. As they were in the hostile country they were continually on their guard and cautious about landing. They traveled all night after reaching Fort Sully, but had no trouble except from the extreme cold weather and floating ice. They landed at Yankton on the 17th having made the voyage in the boats, a distance of 1,700 miles in forty-seven days. Every man was well supplied with gold dust and nuggets, and paid for their purchases in town by exchanging gold at \$45 an ounce, gold being worth about two dollars and sixty-five cents in greenbacks, which was then the currency of the realm. They were a high-spirited body of men, temperate, orderly and intelligent, and from Mr. Thompson's statement their aggregate gold supply was in excess of half a million dollars in gold, or a million and a half in

greenback currency. They sold their boats for the value of the lumber they contained, and chartered a large number of teams and various patterns of vehicles from lumber wagons to stage coaches to take them to the railway points east and south, estimated then to be 300 miles away.

THE NAME YELLOWSTONE

West of the Missouri, in the northern portion of the Dakota, were a number of rivers, the principal one and the only navigable stream being the Yellowstone, one of the famous rivers of the world, its headwaters and the mountainous countries environing them, being at one time a veritable garden of the fur industry nearly a century before Dakota was organized, a fairy land of natural wonders and majestic scenery, sustaining many tribes of Indians whose representatives seldom came in contact with the white man except in his capacity of Indian trader. Lewis & Clark met these wild tribes, and Bonneville, a quarter of a century later spent three years among them, and the majestic topography of their country, the most attractive scenic portion of America's broad realm.

The boundaries of the Territory of Dakota at the time of its organization embraced the entire Yellowstone country, including its headwaters and it was not deprived entirely of it when Montana was carved from its western boundaries. The capacious mouth and a few miles of the noble rugged stream remained to add renown to the County of McKenzie in the northwest portion of the territory.

Capt. H. M. Chittenden, of the Corps of Engineers, U. S. A., an author eminent among the historians as well as explorers of the Northwest, furnishes much information regarding the country. Chittenden says:

"This river (Yellowstone)," say Lewis and Clark in their journal for the day of their arrival at the mouth of the now noted stream, "had been known to the French as *Roche Jaune*, or as we have called it, the *Yellowstone*." The French name was, in fact, already firmly established among the traders and trappers of the Northwest Fur Company when Lewis and Clark met them among the Mandans. Even by the members of the expedition (Lewis and Clark's) it seems to have been more generally used than the new English form; and the spellings "*Rejone*," "*Rejhone*," "*Rochejone*," "*Rochejohn*," and "*Rochejhone*" are among their various attempts to render orthographically the French pronunciation.

By whom the name "*Roche Jaune*," or its equivalent form, "*Pierre Jaune*," was first used it would be extremely interesting to know, but it is impossible to determine at this late day. Like their successor, "*Yellowstone*," these names were not originals but only translations. The Indian tribes along the Yellowstone and Upper Missouri rivers had names for the tributary stream signifying "yellow rock," and the French had doubtless adopted them long before they saw the stream itself.

It thus appears that the name, which has now become so celebrated, descends to us, through two translations, from those native races whose immemorial dwelling place had been along the stream which it describes. What it was that led them to use the name is easily discoverable. Seventy-five miles below the ultimate source of the river lies the Grand Canyon of the Yellowstone, distinguished among the notable canyons of the globe by the marvelous coloring of its walls. Conspicuous among its numerous tints is yellow. Every shade, from the brilliant plumage of the yellow bird to the rich saffron of the orange, greets the eye in bewildering profusion. There is indeed other color, unparalleled in variety and abundance, but the ever-present background of all is the beautiful fifth color of the spectrum. So prominent is this feature that it never fails to attract attention, and all descriptions of the canyon abound in references to it. Lieutenant Doane (1870) notes the "brilliant yellow color" of the rocks. Captain Barlow and Doctor Hayden (1871) refer in almost the same words to "the yellow, nearly vertical walls." Raymond (1871) speaks of the "brilliant yellow of the sulphury clay." Captain Jones (1873) says that "above and in the Grand Canyon the rocks are nearly all tinged a brilliant yellow."

That a characteristic which so deeply moves the modern beholder should have made a profound impression on the mind of the Indian need hardly be premised. This region was by no means unknown to him, and from the remote, although uncertain, period of his first acquaintance with it the name of the river has undoubtedly descended. Going back, then, to this obscure fountain head, the original designation is found to have been, in the *Missouri* tongue, one of the *Sioux* family of languages, "*Mutsasda-zee*," or *Rock Yellow River*; and this, in the French tongue, became "*Roche Jaune*" and "*Pierre Jaune*"; and as English, "*Yellow Rock*" and "*Yellow Stone*."

In the spring of 1864 the first steamboat to reach Dakota Territory was the *Benton*, and the date of its arrival at Yankton was April 22d. It had come from

Pittsburgh, Pennsylvania, and brought quite a quantity of stoves and glass for the merchants of Yankton. At the time it was considered a remarkably early arrival—in fact, the earliest that any one could remember since the first steamboats began running up to any Dakota point. The boat was named in memory of the distinguished Missouri senator, Hon. Thomas H. Benton, who was then looked upon as the representative of all western interests from the Missouri to the Pacific, and almost the only prominent statesman of the country who was accustomed to express confidence in the material resources of the trans-Missouri and trans-Rocky Mountain region.

Fort Benton, at the head of steamboat navigation on the Missouri and the last of the American fur companies posts was named to commemorate his services, and a city has been built adjoining the site of the old post. Benton's public career, unsullied by any act that would discredit his patriotism and personal honor, recommends his name and memory to the people of this Upper Missouri region as one they can with honor to themselves, perpetuate upon their maps, and in sculptured marble.

Fort Benton was lost to Dakota politically at the time Montana was organized as a territory. It had early become an important depot of supplies not only for the American Fur Company but also for the thousands who had found their way to the newly discovered gold fields on the headwaters of the Missouri and Columbia rivers. In 1865 thirteen steamboats reached that port from St. Louis, carrying in the aggregate 1,000 tons of freight upon which the freight charges were 18 cents a pound; in 1866 the number of boats increased to thirty-seven carrying 4,000 tons of freight at 11 cents a pound, and in 1867 there were fifty-three steamboats that deposited 7,300 tons of freight there at a cost of 9 cents a pound, showing a reduction in the carrying charges of just 100 per cent in three years.

A very destructive conflagration at the docks in St. Louis, on the 29th of March, 1869, consumed a number of Missouri River Montana steamboats that were receiving cargoes for the Dakota country and the mountains. Among the burned vessels that were bound for Dakota and Montana points were the Ben Johnson, Carrie B. Kountze, Henry Atkins, G. B. Allen, and Jennie Lewis. Hundreds of passengers were aboard the doomed boats, but all were gotten out alive, though their baggage and personal effects were largely destroyed. The total money value of boats and cargoes was about a half million dollars. The Ben Johnson and G. B. Allen had finished loading and were ready to depart that evening. The St. Louis levee was thickly lined with boats at the time, and those that were burned were hemmed in by other craft that had to be extricated to save them, leaving the Missouri vessels to be devoured by the flames that rapidly spread from boat to boat.

During a cold snap in November, 1868, five steamboats were caught in a freeze up in the Upper Missouri, remote from any landing, and were obliged to remain in their icy harbor all the succeeding winter. These were the Ida Stockdale, forty miles above new Fort Sully; Urilda, ten miles below old Fort Sully (Pierre); Nile, near the mouth of American Creek; Benton, and Hiram Wood, just above Fort Randall. The passengers were obliged to land and walk to the nearest point where conveyances could be had to take them to their destination. A large force of practical steamboat men came up in March, 1869, for the purpose of securing these vessels when the ice broke up, and this they were enabled to do without damage to any of the vessels. The entire list came down the river safely in the spring of 1869, and went on to St. Louis to secure their cargoes for up river.

TORNADO ON THE YELLOWSTONE

Gen. Mark D. Flower, of St. Paul, owner and captain of the Missouri River steamboat, the Osceola, held a contract with the Government, in 1877, for trans-



UPPER MISSOURI RIVER SCENE AT "DROWNED MAN'S RAPIDS"

Steamer Rosalia, homeward bound



MISSOURI RIVER STEAMBOAT LOADING AT YANKTON, N.D.



porting freight to different points on the Yellowstone River, and while engaged in this work encountered a tornado, on June 22d, when near the mouth of Powder River, 225 miles from Bismarck. Of the particulars of the storm, which was the only one ever reported of a similar character in which a steamboat was destroyed while under way, General Flower gave out a statement, in substance as follows:

The tornado struck us at six o'clock in the evening of June 22, and in the twinkling of an eye reduced the staunch little steamer to a helpless wreck, threw us into the river, and damaged or destroyed a great part of our cargo. The boat was proceeding up the Yellowstone at a point 225 miles above Bismarck. We were near the mouth of Powder River, and not very far from the scene of the Custer massacre last year. The banks of the river are low at this point. We had no timber for shelter or even to tie the boat to. In all my experience I never witnessed anything so terrible. The tremendous wind, accompanied by hail and rain, came down on us with only a moment's warning, catching us on our starboard quarter and careening us over to an angle of about forty-five degrees, when our entire upper works—cabin, smokestacks, steam pipes and all—were swept into the boiling, surging current of the Yellowstone. Relieved of the upper works, the boat righted up, and by this means our lives were saved. Many were blown overboard, but saved themselves with the assistance of the floating wreckage, and others who were lucky enough to hold to the floating hull. The cabin and upper works were split into kindling wood and floated away. After the storm had somewhat abated, by strenuous efforts the hull, or what may more properly be termed the remains of the wreck, was fastened to the shore, and we proceeded to save what we could of the Government freight, amounting to some sixty thousand dollars, which was considerably damaged. Much of the cargo went into the river and floated away.

I was blown sixty feet from the hurricane roof and fell in the river, striking a spar and injuring my side and back seriously. Mrs. Flower, who was the only lady on the boat, went overboard with the cabin, but was rescued. She lost her entire wardrobe, however, excepting the clothing she wore. Captain Haycock and his son, Abner Haycock, of St. Louis, were my pilots, and both stood to the wheel until blown with the pilot house into the river. The entire force of officers, crew and carpenters did their duty faithfully. J. Jones, fireman, and Bob Small, second cook, both of Memphis, Tennessee, were drowned. My safe, containing books and papers and several hundred dollars in money, went to the bottom, irretrievably lost. We remained near the wreck until we saved all we could of the freight, and until passing boats took it away and rescued us. I had no insurance, as companies refused to insure against the unknown dangers of the Upper Missouri and Yellowstone.

NAVIGABILITY OF THE MISSOURI RIVER

In later days an impression has gained lodgment in the public mind that the open season for navigation in the Upper Missouri closed early in the fall owing to low water. This impression was erroneous. A world of testimony exists contradicting it, and if the logs of the steamboats navigating the upper river between 1860 and 1890—which were the active prosperous years of the business—are properly consulted, they will furnish the best of evidence that the close of navigation and the freezing over of the surface of the stream, were simultaneous occurrences. In nearly every season adventurous masters found their craft locked in the ice away from harbor, when winter set in. These events usually occurred in November. Here is produced the log of the steamer *Pemineah*, one of the Coulson line of steamers, relating the incidents of a trip from Yankton to Fort Buford (above the 48th parallel), and return, which occupied twenty-five days; leaving Yankton October 11th and returning November 6th. The boat carried one cargo to numerous points below Bismarck; reloaded at that port and went on to Buford. Every delay and obstacle of the voyage, bearing upon the navigation of the river is noted, which must render it an accurate and reliable record to be studied by those who would know the facts concerning the practicability of navigating this wonderful river, whose value to the nation has yet to be properly appreciated. Its improvement, in a manner that will be durable and permanent, awaits the dawning of that appreciation in the minds not only of the people at large, but more particularly in the comprehension of our national congressmen.

There was nothing exceptionable, one way or the other in this voyage of the *Peninah*; the season was an average one; and the hindrances due to low water are explicitly noted. The *Peninah* was a good substantial craft, fitted for passengers as well as freight; stern wheel as all the Missouri boats were; built for the Missouri traffic, and ably commanded. Here follows the log:

Left Yankton at 8 o'clock a. m., Oct. 11th, '77. 170 tons aboard for Sully, Cheyenne, Standing Rock and Bismarck, and laid up for the night at the mouth of the Niobrara. Oct. 12, met the Dugan ten miles below Yankton Agency, and the Tiger at the Agency. Reached Randall at 4:20 p. m., and tied for the night opposite Whetstone Agency. Oct. 13, off at daylight. Met the C. K. Peck seven miles below American Creek at 2:45 p. m. Laid up just below Bijou Hills. Oct. 14, sparred over 26 inches in two places below Brule under high bluffs on east side of river. Tied up opposite Brule Agency. Oct. 15, sounded below Yellow Medicine and arrived at Red Cloud at 11 p. m. Oct. 16, wooded at Big Cedar at 9:30 a. m. Got to Pierre at 6:20 and laid up at Peoria bottom at 1 a. m. Oct. 17, arrived at Sully at 9:30 a. m., put off freight and left at 10:10 a. m. Got to Cheyenne at 12:30 p. m. Put off freight and left at 2:30 p. m. Wooded at McKenzie's Point at 6:30 p. m. 18th, landed at the head of Devil Island at 11 a. m. and wooded. 19th, wooded at Fox Island at 4 a. m. Laid there until daylight. Off again at 4:40 a. m. and wooded at Manning's bottom. 20th, arrived at Standing Rock at 1 a. m. Discharged 90 tons of freight and left at 9:20 a. m. Unloaded freight at Fort Rice at 3:30 p. m. and left at 4:15 p. m. 21st, landed at Bismarck at 3 a. m. and commenced loading for Buford. Nellie Peck left for Buford at 9 a. m. this morning.

Oct. 22, left Bismarck at 4:30 p. m. with 183 tons, with Nellie Peck 31½ hours ahead. 23d, landed at Fort Stevenson at 3:30 p. m., 23 hours from Bismarck. Left Stevenson at 4 p. m. and passed Berthold at 8 p. m. 24th, wooded at Little Missouri at 4:30 a. m. Met the Rosebud there at 12 m. Met the Silver City ten miles above the slide. Met the Fontenelle at Upper Knife River at 3 p. m. 25th, passed the steamer Custer at Tobacco Garden, and wooded at Joe Lanning's at 7 a. m. Nellie Peck was, at this point, five hours ahead. Wooded at Scott's at 6:30 p. m., and laid there until 7:45 p. m. Oct. 26th, arrived at Fort Buford at 2:30 p. m., 3 days, 10½ hours out from Bismarck. Discharged 183 tons of freight. Nellie Peck unloading on our arrival. She left at 8 a. m.

27th, left at daylight and wooded at Lanning's. Laid up ten miles below Knife River. 28th, under way at 2:30 a. m. Wooded at Mandan Village at 5 a. m. Met Rosebud 20 miles above Berthold 10:35 a. m. and passed Berthold at 12:30 p. m. Passed steamer Sherman aground above Stevenson at 4 p. m. Laid up at Knife River. 29th, off at break of day. Sparred at Painted Woods; wind terrible. Arrived at Bismarck at 5 p. m., making the round trip from Bismarck to Buford and return in 7 days and 30 minutes. Nellie Peck in five hours ahead of us. Laid at Bismarck all night.

Oct. 30th, left Bismarck at daylight for Yankton. Laid up at Beaver Creek. Oct. 31st, sparred three hours above Standing Rock; had to lay a line before we got off. Left Standing Rock at 12 m., and laid up at Spring Brook woodyard. November 1, took on 15 cords of wood at Wanita bottom at 7 a. m. Aground again and had to spar from 1 p. m. until 4 p. m. Laid up opposite the Moreau. Nov. 2d, under way at daybreak. Tied up opposite Cheyenne at 6:15 p. m. Nov. 3d, left at daylight and passed the Silver City at 8:30 a. m. Met the Black Hills at Farm Island at 2:50 p. m. Laid up at Red Cloud. Nov. 4th, met the Josephine at Dry Point at 1:30 p. m. Laid up at Gray Island. Nov. 5th, met the Big Horn at Joe La Roche's at 9 a. m. Wooded, 37 cords, at Mulehead, at 11 a. m. Met the Silver Lake at 1:30 p. m. below Mulehead. Met the Key West below the Yankton Agency. Laid up at Yankton bluffs. Nov. 6th, passed the Fontenelle at the foot of Bon Homme Island. Broke our camrod here and laid up to repair it. Off again at 1:30 p. m. Landed at Yankton, making the round trip from Yankton to Buford in 27 days, 8½ hours. Receiving and discharging, with our way freight down, 400 tons. Dave Campbell, Ben. Jewell, pilots; Jno. W. Rowe, and A. W. McLean, engineers.

The *Peninah* finished her season's work by another short trip to Red Cloud agency, Lower Brule, carrying 193 tons, returning to Yankton on the 11th of November.

LOG OF THE FANCHON

For the purpose mainly of showing the importance of the Yellowstone River as channels for the transportation of freight and passengers during the earlier days before railroads came in and monopolized the carrying business, the following paragraph taken from the "River News" column of the Bismarck Tribune of August 3, 1877, furnishes abundant evidence:

The steamer *Fanchon*, Captain Sweeney, made the best time this season to the mouth of Tongue River, two days and seven hours, carrying 160 tons of freight. She left Tongue

River at 5 P. M., July 29th, with seventy-five Crow Indians and 100 ponies. The steamers General Meade and Fanchon arrived from Tongue River and report the river falling fast; boats are experiencing trouble in reaching Tongue River. The Rankin is high and dry at a point below Powder River. Captain Hemingway came down on the Fanchon and will procure jackscrews and material and try to launch her. The Victory has her barge aground at Peninah shute. The Western is filling up for Tongue River and will depart on the arrival of tomorrow's train. She will be followed by the Far West Tuesday. The Key West, Big Horn, Peninah and Rosebud are employed carrying supplies from Tongue River to Big Horn post. The steamer Benton got away with a fair trip. By telegram from Fort Benton to Captain Marratta, superintendent Coulson line, the steamer Durfee left Benton for this place the 1st inst., and will arrive here Sunday. The river at this point is falling fast. The following steamers are now at the landing: Fanchon, Florence Myer, Western, Far West, General Meade, R. W. Dugan, and Fontenelle. The Fanchon will go to St. Louis and will get away some time tomorrow. The General Meade, R. C. Mason, master, left Cantonment post, Tongue River No. 1, Tongue River, Montana, at 3 o'clock P. M., July 30th; wind very strong; 6.10 P. M., met steamer Fletcher; 6.35 P. M. met steamer Tiger; 8 P. M. passed steamer Rankin high and dry. July 31st, 6.55 A. M., met steamer Alex Kendall; laid up on account of wind from 8.35 A. M. to 5 P. M.; met steamer Savannah above Glendive woodyard. August 1st, 4.15 A. M., met steamer General Custer; 5 A. M., met steamer Victory near cutoff; 3 P. M. met steamer Kate Kinney at Big Muddy; 4.20 P. M. met steamer Josephine. August 2d, 5.15 A. M., met steamer Silver City at Knife River; 7.15 P. M., met steamer Benton; 8 P. M., laid up at Painted Woods on account of heavy storm. August 3d, landed at Bismarck at 9.15 A. M. We have Captain Hemingway and crew, who are going home to build a boat suitable for the Little Horn River.

GRANDEUR OF A TRIP ON THE MISSOURI

The steamer Helena was a new boat in 1878, and as she was about starting out from St. Louis on her first long voyage of nearly three thousand miles to Fort Benton, her captain and part owner, James McGarry grew reflective:

If I were to tell a foreigner of the trip I am going to take on the Helena tonight he might not say anything, but he would mentally set me down as a most consummate falsifier. An Englishman, with his ideas of space and distance formed by contemplation of the size of his own country, would simply and firmly decline to believe in the existence of a river upwards of three thousand miles in length, and as for telling him that it was navigable for upwards of two thousand seven hundred miles, and that a craft like the Helena would make the trip, it would only increase his admiration for your powers of fabrication. I doubt if one man in five hundred could draw a rough charter of the northwestern states and territories and get them in a proper position let alone the matter of outline. A little study of a map of the United States would give them a few ideas about the extent of a voyage impossible in any other country in the world. Just think what an institution the Missouri River is. We pull out of St. Louis, run north twenty miles and turn into the Missouri River, and then we are hooked for a voyage through six states and through a country richer in all that makes wealth than any other portion of the land. The river, running west, passes by Jefferson City, reaches Kansas City, forms the boundary line between Kansas and Missouri, and in its course kisses the feet of Fort Leavenworth, Atchison and St. Joseph, forms the boundary between Nebraska and Iowa, and touches Omaha, Council Bluffs and Sioux City, and then makes a western detour and elevates to the dignity of a port, Yankton, in Dakota Territory, a town which the influx of strangers to the Black Hills has made a thriving city. The river then strikes northward through the center of Dakota Territory, striking, when 600 miles north, Bismarck, a thriving little city known to the world as the present western terminus of Jay Cooke's Northern Pacific Railroad. Civilization is here left substantially behind, and for 1,400 miles the Missouri describes a semicircle through some of the grandest scenery on the globe, military stations, mining camps and natural landmarks, fantastically named by man alone, serving to give notice of distance passed until the end of the wild and wonderful journey is reached, with the head of navigation at Fort Benton, a United States military station, with a prosperous and growing town springing up under its protection, with its inhabitants enriching themselves by trade with the miners who throng the auriferous regions of the space remaining between here and the golden shore of the Pacific. The river at this point is wide and deep, but thirty miles further up the Missouri pours down in a glorious cascade over a rocky ledge ninety feet high, making a sight rivaling in grandeur and excelling in the beauty of its surroundings the fearful and glorious Falls of Niagara.

During the boating season of 1869 there were 143 landings made by steam boats at the Yankton levee. A large proportion of the Government annuity goods for the Indians and supplies for the military posts, came to Sioux City by rail, thence by river to the fort and Indian agencies above. In view of the prejudice which existed in certain quarters against the navigation of the Upper Missouri,

growing out of rival interests or misinformation, the foregoing should be considered a sufficient refutation of any statement that the upper portion of the Missouri River is not a practicable navigable stream. Only during the low water season in the fall did steamboat men find difficulty in ascending the river; then the sandbars and snags were troublesome. Snags were much more numerous at that time than of later years; they having been removed by Government boats expressly rigged for the purpose. It may be claimed that all the most dangerous haunts of the snag have been explored and this enemy to navigation destroyed. This work was for many years in charge of Capt. W. H. Gould, a veteran steamboat man and a very intelligent and observing gentleman. He is authority for the statement that there can be no increase in the number of snags in the river, and has not been since the settlement of the country. This is because the settlers have removed the trees from the river banks. During the ordinary boating season, which usually begins from the middle of March to the first of April and continues until the last of October and frequently well into November, the navigation of the Missouri River was not seriously hampered except by sand bars during low water in the late fall, and was free from accidents other than those common to navigable streams everywhere. Steamboats did not cease to navigate the Missouri because of any hindrance or obstacle to navigation.

Railroads were extended to and across the great river and carried passengers and freight more expeditiously and at less rates if necessary than the boats could afford. The inevitable result was steamboats were compelled to abandon the river and seek employment where such keen competition did not exist, until such time as the demands of population and business may again require its use not only as a channel of commerce but as a regulator of rates. That time would seem to be approaching rapidly.

With the exception of 1863, which year was memorable as the driest ever known in the northwestern country, steamboating was favored by a good stage of water each season and numerous fleets of steamboats were engaged in plying its waters. The traffic was uniformly good for fifteen or twenty years. In 1869 the river opened about the middle of March, and the spring freshets had given a good stage of water to the channel. By the middle of May the boats that had been registered at Yankton, the only commercial port at that time on the river in Dakota Territory were the Deer Lodge, Henry M. Shreeves, Antelope, North Alabama, Only Chance, Urilda, Big Horn, Ida Reese, Huntsville, Andrew Ackley, Peninah, Nile, Viola Belle, Silver Bow, Mountaineer, Lacon, St. Johns, Arkansas, Tempest, Sallie, Mollie Eberts, Bertha, Silver Lake No. 4, Columbia, Colossal, Hiram Wood, Utah, Ida Stockdale, Miner, Ida, War Eagle, Tacony, Colorado, Flirt, Evening Star, Emilie LeBarge, Admiral Farragut, Silver Bow, Nick Wall Evening Star, Minnie, Submarine No. 21, Sully, Cora, Fannie Barker, Big Horn, Ida Reese No. 2, Importer, Peter Bolen, and Nick Wall. During the entire season about seventy-five boats were engaged in the Missouri above Sioux City and forty to seventy-five were employed each year after the beginning of the emigration to Montana in 1863, until after the completion of the Northern Pacific Railroad to Bismarck in 1873.

GOVERNMENT SHOULD PROTECT AND PRESERVE THE RIVER BANKS

The day will come when our Government will extend its policy of "conservation of our natural resources," to such an improvement of the Missouri River as will permanently protect its banks from the destructive effects of flood waters and prevent the waste of many scores of thousands of acres of our most valuable agricultural lands, which are now annually washed into the river to feed sandbars and also to be carried away to the gulf. The Missouri, properly improved, together with the Yellowstone, would furnish rare pleasure to thousands of tourists who would find great enjoyment and valuable entertainment in a summer's trip by waterway to the headwaters of the Yellowstone as well as the Missouri. This improvement should be constantly agitated by the people of the

many states watered by these grand arteries, whose natural attractions viewed from the deck of a properly equipped vessel, are in many prominent features, unrivalled in any part of the world. In the upper reaches of these rivers, the scenery has been pronounced by cosmopolitan travelers, the most diversified and attractive that can be found in any portion of the eastern hemisphere. The Legislatures of the Missouri River states would do well to take the subject in hand.

CHAPTER XLVIII

CHIEF JUSTICE TO NORTHERN DAKOTA

1870-71-72

THE SUPREME COURT—CHIEF JUSTICE ASSIGNED TO NORTHERN PART OF THE TERRITORY—FIRST SESSION OF COURT AT PEMBINA—DESCRIPTION OF COUNTRY—ARREST OF CENTRALIA LIQUOR DEALERS—GENERAL CONDITIONS—ARMSTRONG DELEGATE—RIGHTS OF A DELEGATE—EXTRA SESSION OF LEGISLATURE—DISTINGUISHED VISITORS TO NORTHERN DAKOTA—TEXT BOOKS—THE INTERNATIONAL BOUNDARY LINE—REMARKABLE PRAIRIE FIRES—HANIBAL HAMLIN VISITS THE TERRITORY—INDIAN HOSTILITIES—BELDEN KILLED—GENERAL ITEMS—TURNER COUNTY ORGANIZED—JOHN W. TURNER.

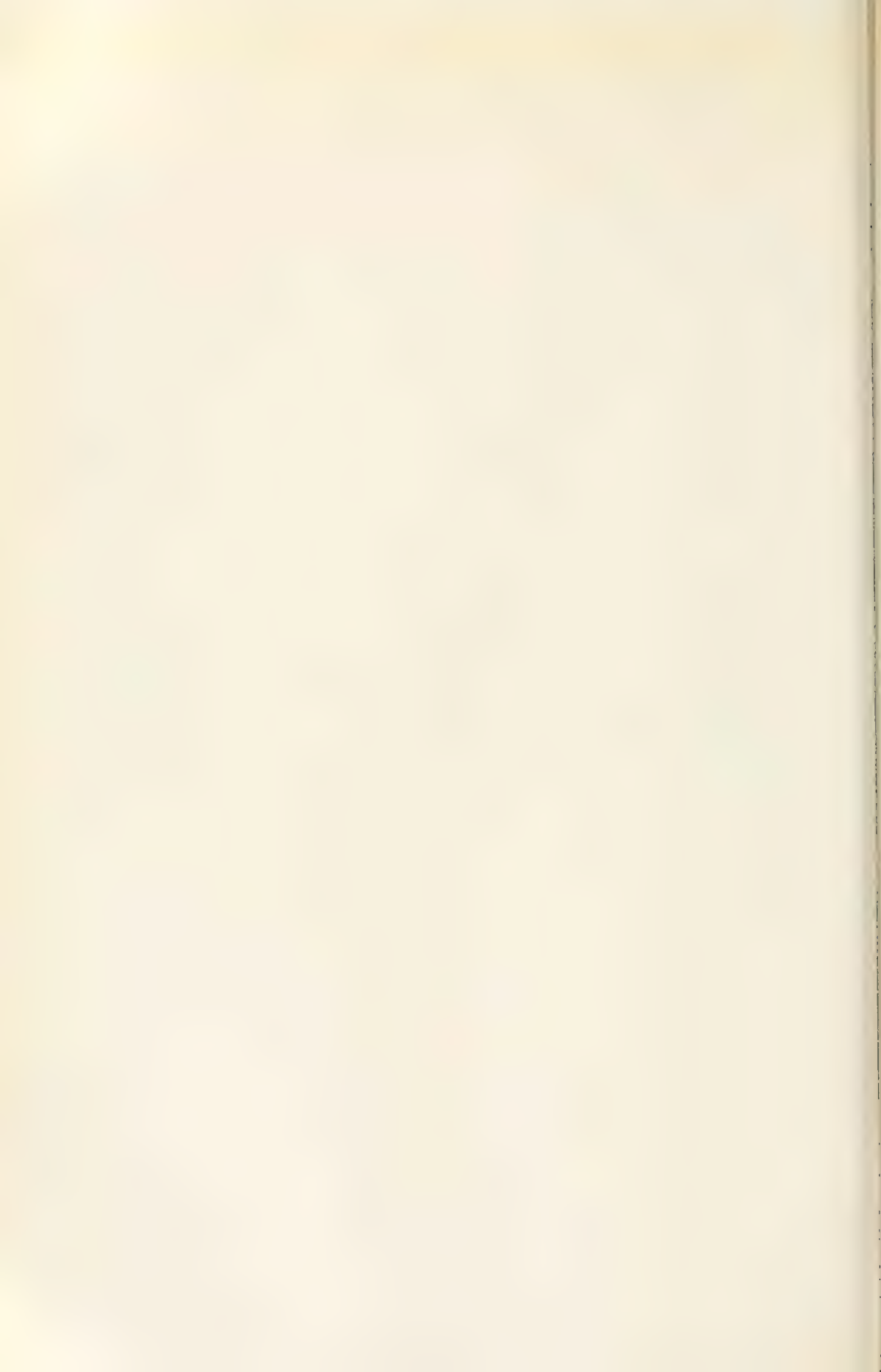
SUPREME COURT ASSIGNS JUDGES

The Supreme Court of the Territory of Dakota met in annual session at Yankton, the capital, on January 13, 1871, and passed an order locating the seats of the three District courts, the place and date where the sessions should be held, and assigning the judges, to-wit: French, Kidder and Brookings. Northern Dakota, for the first time was recognized in this order. The first District Court was appointed to be held in Vermillion on the second Tuesday of February and November of each year, and Hon. Jefferson P. Kidder was assigned as judge of the district. The Second District Court was appointed to be held at Yankton on the second Tuesday of April and October in each year; Associate Justice Wilmot Wood Brookings was assigned as judge. The Third District Court was appointed to be held at Pembina on the first Tuesday of June and September of each year. Chief Justice French was assigned as judge. This removal of the chief justice from the capital, where this official had heretofore resided was said to have been at the earnest solicitation of Chief Justice French himself, who was adventurously inclined and anxious to get a glimpse of the wilds of the North then something of a topic because of the construction of the Northern Pacific Railway across the northern portion of the Dakotas. Invidious critics, however, set afloat a report that the true motive in inducing the chief justice to voluntarily exile himself to that remote region of dog trains and pemmican, where courts had been an unknown quantity, was that he might escape the responsibility of unraveling many of the intricate legal problems presented by the attorneys who practiced in the Second District Court. The capital city bar at the time was made up of many of the most able lawyers in the Northwest, including Hon. Bartlett Tripp, Col. Gideon C. Moody, Hon. Solomon L. Spink, Gen. William Tripp, Gen. W. H. H. Beadle, Hon. George H. Hand, E. H. Brackett, Esq., Calvin J. B. Harris, and litigation of cases of national importance was not infrequent in the court having jurisdiction not only of a portion of the settled part of the territory but of a vast region of Indian country which supplied cases worthy of the efforts of the most profound disciples of Blackstone. Judge French was said to have been a justice of the peace in Maine, and not familiar with our statutes regulating intercourse with the aborigines of the Northwest. The judge himself, how-



FORT TOTTEN, NEAR LAKE MINNEWAUKAN - DEVIL'S LAKE

Built in 1867



ever, assumed the full responsibility for the change, urging that an impairment of his health was one potent reason for desiring a more northern habitation; and he was further moved to be insistent in the matter because of the feeble condition of Mrs. French who would accompany him in hopes that the invigorating climate and pure water of the far North would restore her.

It had furthermore been a debatable question with the judges since the organization of the territory, whether the prerogative of assigning the judges and fixing the time of holding the courts was lodged in the Legislature or in the Supreme Court, and this step would furnish an opportunity to test the question, so far as the assignment of the judges was concerned. The Legislature paid no attention to this action of the court; but the governor, two years later, during the pendency of the Wintermute murder case, and the litigation arising out of the construction of the Dakota Southern Railroad, reassigned the judges by proclamation.

PEMBINA, SEAT OF THE U. S. COURT—RED RIVER SETTLEMENTS

Regarding the northern region wherein the chief justice would make his official residence, it was claimed that it was in the midst of a partially settled, fairly improved, and delightful part of the territory and was on the threshold of a surprising growth. The Pembina River from its mouth to St. Joseph, thirty miles, was well settled and improved with many excellent farms. The Gingras horse farm and villa was near St. Joe. Pembina had been the seat of an U. S. Custom House and postoffice for twenty years, but stimulated by a number of important recent events was making considerable advancement. It still retained the custom house and postoffice, and now possessed a U. S. land office, a fine hotel, a number of private residences, and was the seat of the U. S. Court for the Third Judicial District. Enos Stutsman, Judson LaMoure, Wm. R. Goodfellow, and George I. Foster, formerly of Yankton and Union counties in the south, were among the leading men of Pembina, which at this time was the only permanent white settlement in Dakota north of the 45th parallel.

A steamboat, the *Selkirk*, commanded by Capt. Alexander Griggs plied between Pembina and some points above, and also with Fort Garry and Winnipeg, Manitoba. The distance by river from Pembina to Garry or Winnipeg was called 200 miles. The country bordering the Red in the Canadian province was quite well settled and improved. Fort Garry was the principal Hudson's Bay Company post, and used as a military rendezvous and trading center. It was substantially constructed, on an ample scale, and stored within its walls was an enormous amount of manufactured goods designed for the fur trade, and to supply the settlers in that province. It was garrisoned by two companies of Canadian volunteers under Captain Herkimer. The Riel Rebellion had but recently been quieted, and troops were held for the purpose of checking, in its incipency, any further disorder. The United States consul at Winnipeg suspected that the fires of the malcontents were still smouldering though nearly extinguished. Winnipeg was then a town of 600 inhabitants, and adjoined the fort on the north. Opposite Garry, on the east bank of Red River, was St. Boniface, where was located a convent, bishop's palace, and cathedral—all magnificent buildings. Father Tasche was the bishop. Fort Pembina, about two miles south of the town had been built in 1870; it was a two company post, commanded by Colonel Wheadon.

Frog Point, sixty miles above Pembina, south, was a small and unimportant settlement. Eighty miles by land south of Frog Point, Georgetown was reached, on the Minnesota side which contained a dozen houses including a Hudson's Bay Company store. Fifteen miles south of Georgetown was the proposed crossing of the Northern Pacific Railroad, where a village of tents was discovered in 1871, inhabited by scores of people who were waiting the coming of the great horse. Hotels, stores, saloons, all in canvas houses, flourished and much money

was in circulation. The country from Georgetown to Fort Abercrombie was fair, but the reputed annual overflow of the Red River Valley would seem to preclude the hope of its ever being even moderately well settled and improved. Such was the academic opinion of the time. The highlands back from the valley were very fertile and well watered. Timber existed in sufficient quantity for the necessities of pioneer improvement. Still further south up the Red River Valley was Breckenridge, Minnesota, where the St. Paul & Pacific Railroad (now merged with the Great Northern Pacific) reached the river and became the head of navigation.

COURT AT PEMBINA

The first session of the United States Court to be held in the northern portion of Dakota Territory, then the Third Judicial District was convened at Pembina in June, 1871. Chief Justice Geo. W. French presided. Warren Cowles was the United States attorney; Judson LaMoure was deputy United States marshal assisted by Deputy Luther. George I. Foster was clerk of court, and Enos Stutsman, foreman of the grand jury. At the October term following Norman Kittson was foreman of the grand jury. Indictments were found by these grand juries against a number of parties in the new settlement of Centralia (now Fargo), charging them with the illegal sale of intoxicating liquor.

On Saturday morning, the 17th of March, 1872, on the tenth anniversary of the meeting of the first Territorial Legislature, the United States Deputy Marshal McCausland, escorted by a company of federal troops from Fort Abercrombie, proceeded to arrest all parties at Centralia, now Fargo, who were engaged in selling intoxicating liquors at that point. Although all had paid their internal revenue tax, the receipt for which was displayed in their place of business, it did not protect them. They were all charged with introducing and selling intoxicants on the Sisseton, Wahpeton and Sioux Indian reservation.

The parties arrested had a preliminary hearing before United States Commissioner Geo. I. Foster and were held to answer to the United States District Court, which held its sessions at Pembina, and would convene in June following. Their bond was fixed at \$500 each. These liquor dealers had paid the special tax required by the Government, and were under the impression so claimed that this authorized them to engage in the retail liquor trade, which, however, was not the case neither there nor elsewhere. The payment of this special tax did not relieve them from liability under the territorial law, which required a license; but in their cases there was also a treaty provision that inhibited the liquor traffic at that point and all along the valley of the Red River to the northern boundary. The country had ceased to be an Indian reservation, or Indian land more properly, by the treaty with the Chippewas, made in 1864; but there was a clause in that treaty that provided:

That the laws of the United States now in force, or that hereafter may be enacted, prohibiting the introduction and sale of liquors in the Indian country, shall be in full force and effect throughout the country hereby ceded until otherwise directed by Congress or the President of the United States.

Under this provision of the treaty, which had all the force and effect of law, these trespassers at Fargo were all liable to severe punishment.

McCausland, the deputy marshal, undertook to escort a number of his prisoners who failed to give bond to Pembina, where court would be held, and was found frozen to death near Frog Point, sixty miles north of Fargo, March 27, 1872. Two of his prisoners had escaped in the night and McCausland started out to search for them. The weather was extremely cold. McCausland was not again seen until his lifeless body was discovered. He was thirty-two years of age and highly respected.

GENERAL CONDITIONS IN 1871

The year 1871 was quite favorable for farming operations in the territory. The farming settlements, however, had not then extended beyond the boundaries of the Missouri, the Red River, Big Sioux and Vermillion River counties, limited on the Missouri to Charles Mix on the west, and on the Big Sioux to Minnehaha on the north. Immigration had begun to invade Brookings, Richland, Turner and Hutchinson counties, and two or three adventurers had settled as far north as Rockport in Hanson County. The settlements had, however, grown in population; the Government land had been taken up quite compactly for from ten to fifteen miles back from the rivers mentioned, and a large amount of grain and vegetables were produced in the aggregate; twenty fold more than was needed for home consumption or that could be utilized in the territory. Dakota was just beginning to demonstrate its agricultural strength and prove the value of the resources of its soil.

There was considerable immigration to the territory, including farmers, mechanics and trades people, so that the towns as well as the farming settlements flourished and grew in population and improvement. The Missouri River was, it might well be said, thronged with water craft, and hardly a day passed during the boating season that did not witness the arrival or departure of steamboats from the levees of Dakota's older towns. In 1871 was the beginning of actual work on our first railroad; immigration was encouraging, and there was an apparent awakening to the opportunities afforded in the territory to energetic and enterprising people. The area of cultivated acres was doubled. Four new counties were admitted into the small family of organized counties—Turner, Hutchinson, Hanson and Richland. It appeared that Dakota had arrived at the point where pioneer methods and customs were given a final farewell and the more modern, aggressive and enterprising life adopted.

The political feuds in the territory, the continual factional quarrels in the republican party which had characterized Dakota politics from the beginning of settlement, no doubt injured the standing of the territory at Washington and in Congress, and when these factional troubles resulted in the election of a democrat as delegate in a territory where the republicans outnumbered the opposition more than two to one, which was the case in 1870, there were many forcible and disparaging epithets uttered by the Washington authorities who were looking ahead to the time when Dakota would add another republican state to the Union, and whose position depended upon the continued ascendancy of the grand old party, in giving expression to their opinion regarding Dakota and its republican officials and politicians. A prominent citizen of the territory, writing from Washington in the early part of 1871, who had occasion to visit several of the departments and who was also interested in procuring from Congress land grants to aid in the building of Dakota railroads stated:

No territory in the Union has come before the general Government with so many internal quarrels, troubles and disputes as Dakota since its organization. You meet with that charge in Congress and at the departments, and that want of harmony among federal officials and the people has endangered and certainly postponed our advancement and stopped material aid.

It was further suggested that but for the feeling of indignation and resentment engendered in the minds of leading congressmen, favorable action might have been had upon one or more of Dakota's applications for land grants in aid of railroads. It will be noted, however, that these reprehensible conditions disappeared as industrial interests increased and gave the people something better to employ their time.

Hon. Moses Kimball Armstrong began his service as delegate to Congress from Dakota Territory, March 4, 1871. He was then in Washington.

A new administration of territorial affairs was inaugurated January 1, 1872, the democrats having elected their territorial ticket with Armstrong as del-

in Congress. George W. Kellogg, of Union County, took the office of territorial auditor, relieving J. O. Taylor, also of Union. Thos. J. Sloan, of Clay County, relieved T. K. Hovey, also of Clay, as territorial treasurer; and Hon. John W. Turner, then of Clay County, but about to remove to Turner County, succeeded James S. Foster, of Yankton, as superintendent of public instruction.

The year 1871 was an off-year in Dakota elections; the county officers, members of the Legislature, and the delegate to Congress and territorial officers being elected for two years in every even numbered year. There was a provision of the law, however, authorizing the holding of annual elections for the purpose of filling vacancies, and the election of a portion of the board of county commissioners, the term of one member expiring each year. The election of 1871 was held on the 10th of October, the second Tuesday, and as a rule no party lines were drawn: the officers elected represented the non-partisan spirit of the voters; but the opposition, or what would have been the opposition, under normal political conditions to the republican organization, scored the larger number of successes.

RIGHTS OF A TERRITORIAL DELEGATE IN CONGRESS

The extent of the privileges and rights of a delegate to Congress from a territory were never clearly defined and settled until 1871. He was allowed the privilege of introducing bills and of speaking, and was restricted regarding the making of motions and other privileges. While James G. Blaine was speaker in 1871 (and S. L. Spink delegate from Dakota), the question came up on a bill relating to the Territory of Montana, at that time represented by Delegate Cavanaugh. The bill had been read a third time and was placed upon its final passage. The vote stood on a division, ayes, 66; noes, 22; no quorum voting.

Mr. Cavanaugh then said, "I call for tellers; I believe no quorum voted."

Mr. Garfield, of Ohio, afterwards President, then interposed with the question: "Can a delegate from a territory call for tellers on any question?"

The speaker answered: "The chair would rule that he could not; but as the vote on a division did not disclose the presence of a quorum, the chair thinks it would be better to have tellers in order that presence of a quorum may thereby be shown."

Tellers were accordingly ordered, the House again divided, and the tellers reported that there were ayes, 84; noes, 45.

Mr. Cavanaugh then called for the yeas and nays.

The speaker then said: "The point being raised, the chair must rule that the gentleman from Montana cannot demand the yeas and nays."

Mr. Cavanaugh then said: "I desire, if the chair will pardon me, to make a single remark upon this point. I would like to have the question settled that we may ascertain what is really the status of a delegate upon this floor. I wish to have it decided whether, when the House has under consideration a bill affecting directly a territory and pertaining to the people of that territory and to nobody else on earth, whether under such circumstances the delegates have not a right to demand a vote by yeas and nays upon a question so important to his constituents."

The speaker replied: "The point is raised without argument and without much time to devote to its consideration, but the chair will very briefly give his views upon it. The delegate from a territory is the accredited agent of the territory, sent here to express by argument or by personal interviews with members the wants and wishes of his constituents upon bills which may affect them. But the moment the function of voting is reached the power of the delegate ceases. The right to object where unanimous consent is asked; the right to demand divisions or tellers; the right to call for the yeas and nays are very largely the functions of a voter in this House; and oftentimes the very largest function that the member can exercise is included in those particular demands. Of course the right to make such demands grows out of, and must inhere in, the function of voting. The delegate, not possessing the right to vote, cannot exercise any of those privileges which are a direct outgrowth of the right to vote."

Mr. Cavanaugh: "One more question and I have done. Here is a measure directly interesting to my constituents. Have I not the right to demand the yeas and nays on this vote?"

The Speaker: "The chair will answer the gentleman. He will readily see that there is no need of a delegate having that right. The body that is to decide the question voted upon is the House of Representatives. The Constitution provides that the yeas and nays shall, at the desire of one-fifth of those present, be entered on the Journal. If no member chooses to demand the yeas and nays, of course they cannot be taken; but if one-fifth of



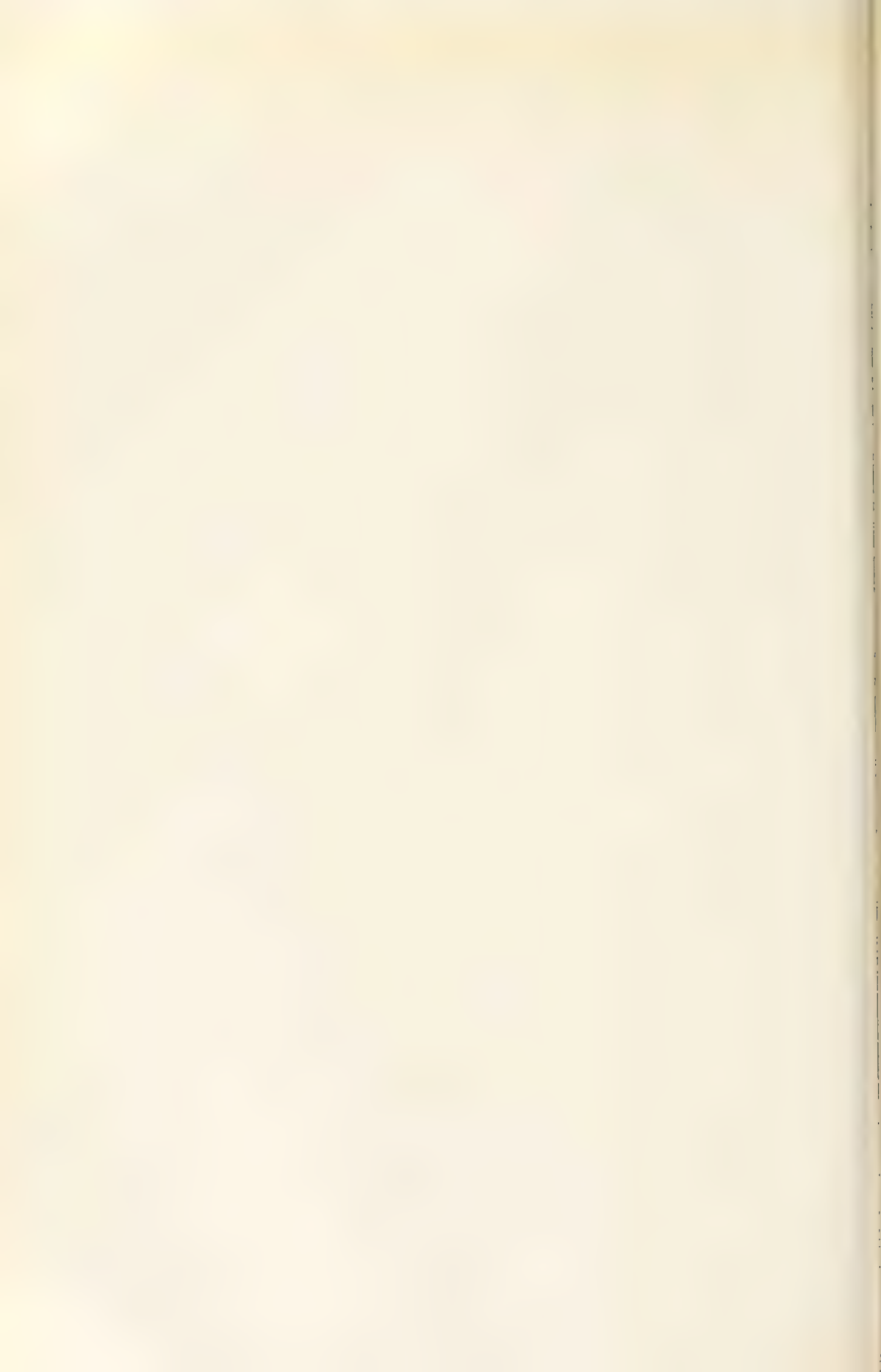
GENERAL EDWIN S. MCCOOK
Secretary of the Territory of Dakota
Killed by Wintermute in 1873



THE GATE OF SPRINGFIELD



CAPTAIN NELSON MINER'S HOTEL, VERMILION, 1871



the members desire the yeas and nays, some individual member will of course make the demand."

Mr. Eldridge: "I demand the yeas and nays."

Mr. Niblack: "Upon the question of order I would like to be heard for a moment. I believe that the rights of a delegate on this floor include the right to make motions. Is not that the fact?"

The Speaker: "That is so; but it would not be within the function of voting. A motion merely brings the question up for the decision of the House."

Mr. Niblack: "Then the question in my mind is whether the calling for divisions and other incidental matters connected with voting does not rest upon the same ground with motions."

The Speaker: "The chair thinks differently. These proceedings directly connected with voting cannot fall within the privileges of the delegate. The calling for a division belongs to the individual member, and is his absolute right. The calling for the yeas and nays is also the absolute right of one-fifth of the members and is guaranteed by the Constitution. The House cannot by any rule restrict or enlarge this privilege and the gentleman from Wisconsin, in the exercise of his right, now demands the yeas and nays."

Mr. Garfield, of Ohio: "As I raised this question, I hope the chair will indulge me in a single remark. When the delegate from Montana asked for a division I did not raise the question. I did raise it, however, when he demanded tellers. I do not know whether there is any philosophical reason which might apply in one case more than the other. But it seemed to me that while delegates are allowed the right to make motions and offer amendments, while they have the right to be heard in debate, yet when we pass to action—when we come to voting, either by rising, by passing between tellers, or by a call of yeas and nays, the right of a delegate naturally then ceases; and as he cannot take part in any vote, so he cannot demand that any of the rest of us shall vote in any particular form."

The Speaker: "The right of a delegate to take part in debate is as broad as that of any member of the House. The right to make motions follows necessarily, because it is on a motion that debate is entertained. If you strip the delegate of the right to make motions you logically strip him of the right to debate, because all of the debates of the House are upon motions in some form. But beyond that point, as the gentleman from Indiana (Mr. Niblack) will perceive, the function differs, and the privilege of voting is reached."

Mr. Niblack: "The question in my mind is whether the calling for a division can be considered to be more than a motion."

The Speaker: "It is different from a motion in the points to which the chair has adverted. The precedents on the general question involved are not numerous but they sustain the ruling of the chair. The immediate predecessor of the present occupant of the chair would not accept the objection of a delegate, and in the opinion of the chair it is not competent for a delegate to make an undebatable motion, as that the House adjourn, or that a bill lie on the table."

DAKOTA LEGISLATURE IN EXTRA SESSION

An extra session of the Legislature of Dakota was held in April, 1871, for the purpose of enacting a law to authorize the issuing of county and township bonds for the purpose of aiding the construction of railroads in the territory. The proceedings of that memorable session, and a full account of the railroad building done under the law enacted is given in another chapter devoted to early railroad enterprises in the territory. A perusal of the incidents related in that chapter will indicate that the attention of the early settlers, who were all scattered over a half dozen organized counties and one or two that were not organized, was engrossed with the railroad projects mentioned, and in anticipating the many benefits that would accrue to all sections when railroad facilities were afforded.

DISTINGUISHED VISITORS

During the summer of 1871 a company of distinguished journalists and correspondents visited the Red River of the north country. The Northern Pacific Railway was then in process of building across the State of Minnesota; capitalists from Europe were in this country investigating its merits, and many of the leading newspapers were systematically engaged in promoting the great enterprise, which was viewed as a national affair of the first importance not only in a commercial light but as the medium through which a vast empire of mining and agricultural areas were to be brought within the range of occupation and development by a civilized and aggressive people. The party to make this journey included the then renowned traveler, Bayard Taylor, who represented the

New York Tribune, then one of the greatest of American newspapers, conducted by the greater moulder of public opinion, Horace Greeley; Governor Hawley, of Connecticut, for the Hartford Courant, of extensive influence with the capitalists of New England; Colonel Knox, for the New York Herald, of world-wide fame as a newspaper; William Cullen Bryant, for the Springfield (Mass.) Republican—Bryant was then in the zenith of his active life as a journalist, poet and author; Governor Bross, for the Chicago Tribune, an eminent editor and politician and a newspaper of national reputation and influence; Samuel Jones, of the New York Times, and Major Bundy, of the New York Mail. The party started from Duluth, which point they had reached by steamer; thence over the new Northern Pacific to the end of the track; the party then returned to St. Paul from which place they took the St. Paul and Pacific for Breckinridge—the latter leg of the journey to the head of Red River by stage, the road not being completed to the Red River Point but was finished and opened a few weeks later. At Breckinridge the party boarded a Red River steamer and steamed down to Winnipeg or Fort Garry, returning by the same or a similar craft to a point on the Red River near where the Northern Pacific Railroad crossed it; thence by overland coaches to the end of the track of the Northern Pacific, where they boarded a construction train for home. It was a part of the program of this exploring expedition, taken for the purpose of investigating and publishing to the world some facts regarding the natural resources and natural wealth of the country, that the same party would make a journey up the Missouri River by steamboat, and possibly up the Yellowstone the same season, but this portion of the trip was postponed indefinitely.

TEXT BOOKS FOR SCHOOLS

Under the law then in force it was the duty of the territorial superintendent of public instruction to select the text books for the common schools of the territory and publish them in the territorial newspapers. The following list was selected by the Hon. John W. Turner, the superintendent, in November, 1871; McGuffey's New Eclectic Speller; McGuffey's New Primary Charts; McGuffey's New Eclectic Readers; McGuffey's New Eclectic Speakers; Eclectic Penmanship; Norton's Elements of Philosophy; Cole's Institute Reader; Harvey's Elementary Grammar; Harvey's English Grammar; Ray's Series of Algebras; Huxley's and Yeoman's Physiology; Cornell's Geographies; Quackenboss's Arithmetic; Quackenboss's Histories of the United States.

In the winter of 1870-71, there were but twenty-eight schools kept in the various counties in the territory. Eleven of these were in the County of Union; six in Clay County; five in Yankton County; two of which were private schools in the city; four in Lincoln County; one in Bon Homme, and one in Minnehaha.

SURVEYING THE INTERNATIONAL BOUNDARY

The boundary line between the United States and British America had not been definitely established as late as the close of the year 1871. It was a matter of great importance to the Territory of Dakota, fixing as it would the northern boundary of the territory; and in his message to Congress at the opening of the session in December, 1871, President Grant said:

I again renew my recommendation for an appropriation to determine the true position of the forty-ninth parallel of latitude where it forms the boundary between the British North American possessions and the United States from the Lake of the Woods, Minnesota, to the summit of the Rocky Mountains. The early action of Congress on the recommendation named, would put it in the power of the war department to place a force in the field during the next summer.

REMARKABLE PRAIRIE FIRES

In the early days of October, 1871, the settled portions of the territory were visited by a number of most destructive prairie fires exceeding in scope, fury and

damage, any that had been known since the settlement of the country. The year 1871 was one of great conflagrations elsewhere, surpassing in their magnitude, intensity and destructiveness, all precedent. The great Chicago fire that occurred about that time, was a most appalling disaster and enlisted the sympathy and active benevolence of the people of the civilized world. It yet remains in the annals of the world's disasters as one of the most deplorable conflagrations that ever visited the abodes of a civilized people. There were also forest fires in Michigan, Wisconsin and Minnesota, of unprecedented extent, that not only destroyed extensive lumber districts, but swept away entire towns, and called for the sacrifice of many lives. The smoke from these fires hung like a pall over half the area of the states where they occurred. In Dakota there were no forests, but there were millions of acres of wild prairie grass, and it at times appeared that the air acted the incendiary, so inexplicable was the origin of these fires; and so intense their heat that it was impossible to remain near them without danger of burning or suffocation, and their speed as they swept over the prairies was absolutely frightful. An ordinary fire-guard or a public road that the settlers had grown accustomed to regard as an effectual barrier to the progress of these scourges, proved no obstacle whatever. Even the James River and the Vermillion were unable to successfully oppose them and were crossed at various places, the flames appearing to leap across the streams as if drawn or attracted by a powerful magnet. There is little doubt that the fires wherever they occurred during that season were out of the ordinary course of Nature. It was remarked that the Chicago fire exhibited phenomena never observed before, especially with regard to the intensity of the heat, which far in advance of the flames, seemed to cause spontaneous ignition. Many structures were observed to burst out in flames that were two or three blocks in advance of the visible conflagration. Parties who attempted to combat these Dakota prairie fires could not approach the burning grass near enough to work with any effect—the blistering heat moved along like a wall far in advance of the devouring flames.

The farming communities suffered great loss from this calamity. In many instances the fires had swept away the entire property of individual farmers, including dwellings, barns, well filled wheat bins and corner-ribs, and thousands of live stock. To hundreds of the husbandmen it brought penury and suffering, having burned every thing except the clothes they wore. So general was this destitution, and in so many cases so complete, that the citizens of the several villages and trading points, including the cities, within the territory, organized relief associations which were active during the succeeding fall and winter in extending needed assistance to the unfortunate sufferers.

An incident growing out of this lamentable event deserves mention here as showing again that "one touch of Nature makes the whole world kin." It had been charged that a party of Yankton Indians were responsible for setting out the prairie fires in Bon Homme County. Great damage had resulted to the settlements, and deep indignation felt toward any who were charged with firing the prairie. The report came to the ears of some of the Yankton Tribe. It was stoutly denied; and the charge being investigated by the agent, Maj. S. D. Webster, a Christian gentleman, it was proven that the Indians were innocent of the offense. But perceiving that a great calamity had fallen upon the white settlers, and much suffering entailed that would be much more severe during the approaching winter months, the Indians made a contribution of \$100 for the relief of the needy, transmitting the money with the following letter:

Yankton Agency, D. T., October 24, 1871.

G. W. Kingsbury, Esq., Yankton, D. T.

Sir: I have the honor to enclose to you a bill for the contribution for the relief of the sufferers from prairie fires in the counties of Bon Homme and Yankton, amounting for \$100. This is presented by and in behalf of the Yankton Sioux Indians.

Passa ma nee ne, the "One Struck by the Reed."

"My Father—Let me to you to say that I wish to see my people, and to tell them that the Yanktons were the ones who set fire to the prairie. But I am sorry that my people are so poor."

and so I wish for my tribe to have something sent to help them. I am clothed and have enough to eat. I want something sent that they may have food, and to show that I feel for them. The Yanktons wish to be good neighbors."

It is in accordance with this wish of the people, expressed by the head chief, that I transmit the amount of \$100. I am, sir, very respectfully, &c.,

S. D. WEBSTER, U. S. Indian Agent.

There was that connected with this generous gift that seemed to atone for many injuries the Indians had been charged with inflicting upon the pale-faces, and it certainly modified the popular prejudice against the red people because of their presumed thoroughly inhuman proclivities.

EX-VICE PRESIDENT HAMLIN

About the middle of September, 1871, the people of Dakota were entertained with a visit from Hon. Hannibal Hamlin, of Maine, then a United States senator, and vice president during Abraham Lincoln's first term as President. The senator visited all the points on the Missouri River as far west as Springfield, and was very cordially received and hospitably entertained by the people. His wife accompanied him, and his daughter, the wife of the secretary of the territory, Mrs. George Alexander Batchelder, resided at Yankton at that time. Mr. Hamlin made a number of brief addresses while on his tour, in which he predicted a prosperous future for Dakota.

THE INDIANS

While the hostility of the northern Sioux Indians along the Yellowstone River was directed toward the Northern Pacific Railroad enterprise, the same tribes were at war with the Gros Ventres and Mandan tribes, who were at peace with the whites and had always maintained a friendly attitude. It is altogether probable that the hostiles were instigated in their warfare against these peaceable Indians by a prejudice they entertained against all of their own race who were on friendly terms with the whites. During the summer quite a serious battle occurred near the Milk River Agency where the upper Sioux rendezvoused, between the Sioux and a large party of Gros Ventres in which a prominent Sioux chief, Standing Buffalo, was killed. This Standing Buffalo was a Santee and was personally inclined against hostilities, but his people at that time mainly refugee Santees from Minnesota, were for war and persuaded their chief to lead them. The battle was a fierce one, with heavy losses on both sides—the combatants ceasing to fight, overcome by exhaustion. Neither side could claim a victory which left the way open to renew the combat whenever opportunity offered. The Gros Ventres, while good and reliable warriors, were not disposed to war, and in their conflicts with the Sioux, the latter were as a rule the aggressors.

George P. Belden, a famous writer of frontier affairs and author of the "White Chief," a popular border romance, was shot and killed while riding alone eight miles below Grand River near a little spring on the Moreau Trail, August 31, 1871. His body was found two days after and buried at the Grand River Agency. The shooting was doubtless done by a lone Indian who seeing Belden dismount for the purpose of getting some water, shot him through the head, then firing two more shots in his head, mounted Belden's mule and rode away.

An order was issued in 1871 by General Stanley, commanding the District of Dakota, requiring a large number of wood-choppers to withdraw from the Sioux Reservation and wood camps along the Upper Missouri. The order was based on an article in the Treaty of 1868, which the Indians complained had not been enforced. The wood-choppers were accused of hunting on the Indian lands and destroying much game which the Indians claimed they needed for their subsistence; it was further alleged that the Indians should have the patronage of the

steamboats that purchased fuel at these points on their reservation, which would come to them if the whites were excluded, an indication that the Indians were preparing to take hold of their industrial life in earnest.

GENERAL ITEMS

The existence of a fairly good quality of coal was discovered on the Dakota line of the Northern Pacific Railway, in 1872, by the civil engineers under General Rosser, who were extending the surveys for that national highway west of the Missouri. Surveying parties were the first to use it in their camps, and found it a fairly good fuel where timber was lacking.

A party of United States deputy surveyors from the surveyor general's office of Dakota visited the northern part of the territory in the fall of 1871, and laid out several townships along the line of the proposed Northern Pacific Railway followed and a new town called Chahinka or Richville was founded on the Dakota side by Mr. Rich. The name was changed to Wahpeton some time later. Folsom Dow, W. E. Root, J. C. Blanding and J. Q. Burbank, who had been among the Dakota pioneers of the Missouri Valley, took up claims adjoining, and a county named Richland was carved out by the Legislature 1870-71, which was the third county organized north of the 46th parallel in Dakota Territory; Kittson being the first, Pembina, the second, reorganized in 1867.

The St. Paul and Pacific Railway reached the Red River of the North at Breckinridge, Minnesota, during the summer of 1871, and the line was opened for traffic to the headwaters of Red River. From that time for several years the steamboat industry flourished in the Red River Valley. A rush of immigration followed and a new town called Chahinka or Richville was founded on the Dakota side by Mr. Rich. The name was changed to Wahpeton some time later. Folsom Dow, W. E. Root, J. C. Blanding and J. Q. Burbank, who had been among the Dakota pioneers of the Missouri Valley, took up claims adjoining, and a county named Richland was carved out by the Legislature 1870-71, which was the third county organized north of the 46th parallel in Dakota Territory; Kittson being the first, Pembina, the second, reorganized in 1867.

The Dell City Journal began its career in October, 1871. It was owned and published by J. C. Ervin, at Dell City, Minnehaha County. Dell City afterwards became Dell Rapids, and for a few years maintained a commendable rivalry with Sioux Falls for commercial and manufacturing and stone producing supremacy.

The Springfield Times by L. D. F. Poore, and the Sioux Falls Pantagraph, by W. F. Kiter, were launched on "the uncertain sea of journalism" in 1871. The Pantagraph, after a few years of strenuous effort, changed owners and its title, and became the Sioux Falls Press. The Times has flourished and promises to hold out indefinitely, having an excellent local support which it has enjoyed from the beginning.

In January, 1871, the number of practising physicians in Dakota Territory was nineteen, a fact that was vauntingly referred to in the territory's immigration literature as an inducement to homeseekers who desired to find a sanitarium to reside in. Doctors who had no means of support outside the practice of their profession were warned by the experience of a Yankton practitioner to avoid the territory because this particular physician had had but one case since hanging out his sign, and that was a job of digging postholes. He subsequently became a popular physician, as the growth of population brought with it many partial invalids from the malarial and humid regions of the East.

The Missouri River packet and freight steamboat, *Ida Reese*, while on her way to Fort Benton, struck a snag and sunk in shallow water, just above Fort Thompson, on the night of the 18th of June, 1871. The boat was heavily loaded with a valuable cargo of Indian goods belonging to the Government, and sutler's goods belonging to the Durfee & Peck Transportation and Trading Company. The value of the boat was \$20,000; and the value of the cargo was estimated at \$200,000. The boat was insured for \$12,000. Large quantities of whisky and bacon were in the hold, and these were saved without damage, especially the former, which was waterproof, and belonged to Montana parties.

A wagon road from Yankton to Sioux Falls was laid out in the fall of 1871. The assessment of real and personal property in Minnehaha County, Sioux Falls Village included, in 1871, amounted to \$15,320 for realty, and \$43,014 for personal property. It will be understood that Minnehaha County, in point of settlement, was two years old, the Falls and a large section of the county having been occupied for seven years as a military reservation or being within the zone of Indian hostilities.

The County of Minnehaha improved considerably during the year 1871, securing a number of new homesteaders, while the Village of Sioux Falls made encouraging advancement. Richard F. Pettigrew, of Wisconsin, had recently settled there, and was a very enterprising young man, and had come in from Grant County, Wisconsin, the year before. Charles K. Howard, O. B. Iverson, John Langness, Captain Thompson, Albert Fennecy, John McClellan, Nye Phillips, Mr. Walker, who was the sheriff, and William Van Eps, a merchant, were all public-spirited young men who had confidence in the future of the embryo metropolis.

Agricultural fairs were held in the fall of 1871 in the counties of Clay, Yankton, and Bon Homme, and were all creditable exhibitions.

In 1871, Mrs. Elizabeth Cady Stanton was in her prime, and it may be claimed with fairness that she was the most famous as well as most highly esteemed woman in either hemisphere, unless we except the model Queen of Great Britain, Victoria. Mrs. Stanton was devoting her life to the amelioration of her sex to the great benefit and advantage of womanhood in general, and issued to her sisters throughout the world an invitation to send to her an account of any "remarkable or unusual achievements" by women. A Dakota lady, at Elk Point, deeming herself as coming within the limit of "unusual achievement," notified Mrs. Stanton that she had presented her husband with four children within ten months.

TURNER COUNTY ORGANIZED

The County of Turner, forming one of the second tier of counties on the south, in the Territory of Dakota, was taken from the counties of Lincoln and Hutchinson, an equal, or about an equal, portion from each. The boundaries of the county were defined by act of the Legislative Assembly, approved January 13, 1871, as follows:

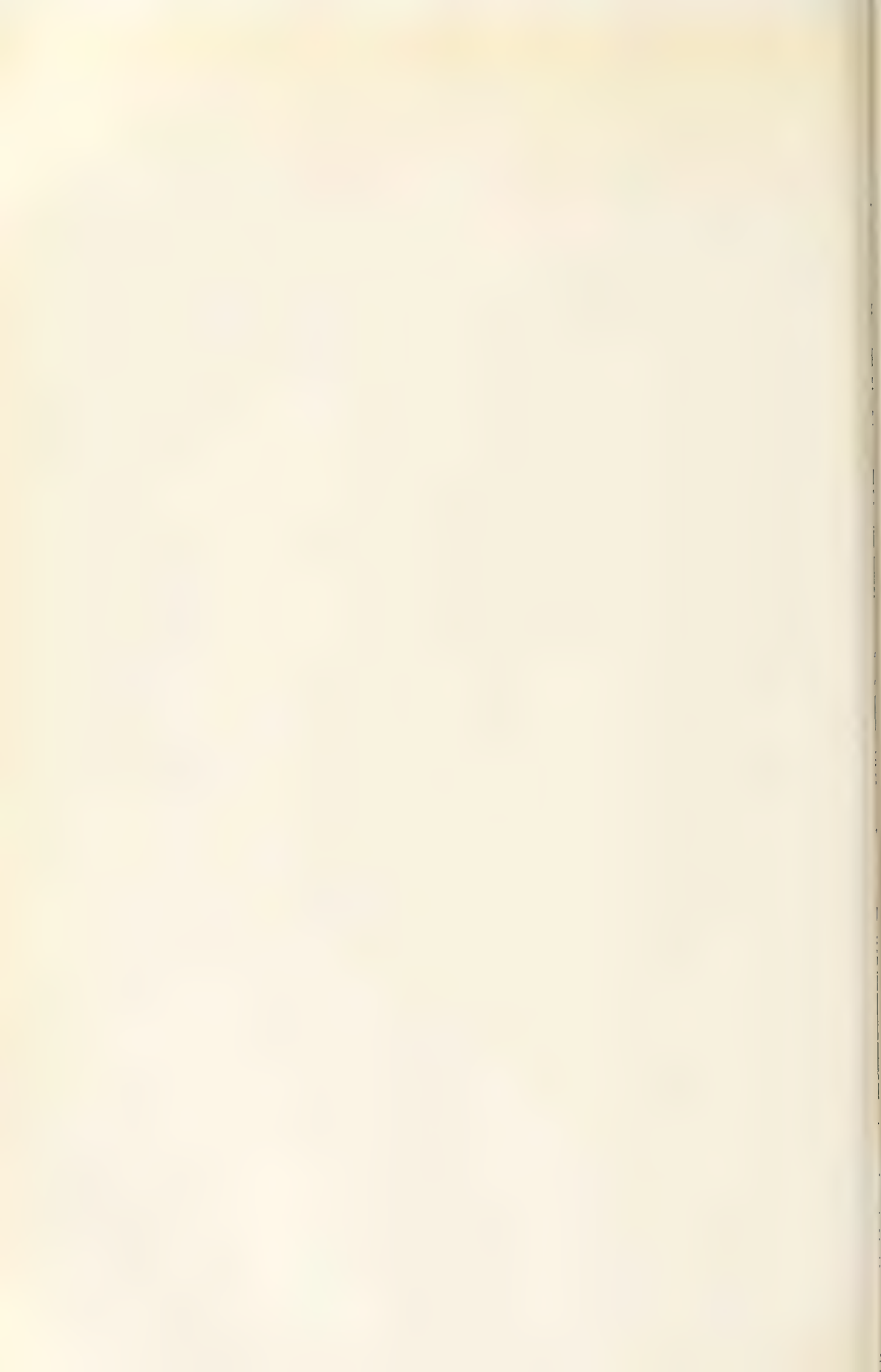
Beginning at the southeast corner of Hutchinson County; thence north along the east boundary of said county to the north line of town 100; thence east along said township line to the west boundary of range 51; thence south along said range line to the north line of Clay County; thence west along said county line to the east boundary of Yankton County; thence east along the north boundary of said county to the place of beginning.

The law further provided that William W. Aurner, Vale P. Thielman, and Lewis H. Elliott, should be the first county commissioners, and C. S. Scott, register of deeds; and located the county seat on the southeast quarter of section 9, township 97, range 55; to be known and designated as Swan Lake City.

The county embraced eighteen congressional townships; its surface is slightly rolling except where broken by the Vermillion River, Turkey Ridge and other creeks, and even with this exception it was the claim of the pioneers, who as a rule are quite well informed regarding the topography of the county wherein they have located, that practically every acre of the 415,000 in the county, was tillable. The soil is deep and rich, famous as a corn and fruit soil. It is a well watered section, having the Vermillion River which enters the county from the north near the center and trends towards the eastern border, having a valley from one to three miles wide; also a stream called the West Fork, a tributary of the Vermillion, which enters the county from the northwest and crossing diagonally, empties into the Vermillion proper two or three miles west of Parker. Turkey



The Fort Dakota barracks at Sioux Falls, 1865, and the first frame building after the fort was abandoned in 1861



Ridge Creek enters the county from Hutchinson on the west, and passes through the center and southeastern portion to Centreville where it empties into the Vermillion. There are several small creeks tributary to both the Vermillion and its branches, and also to Turkey Ridge Creek.

Hon. John W. Turner, one of the pioneers of Dakota Territory and among the first to settle in Turner County, which had been named in his honor, was probably the oldest person in Dakota Territory in 1871, when he was engaged in building grist-mills in the Vermillion Valley, and had just been elected to the position of territorial superintendent of public instruction on the democratic ticket. It was at this election that the republicans were divided and ran two territorial tickets and were defeated by the democrats under the leadership of Armstrong. Mr. Turner was born on the 23d of February, 1800, at Western, Oneida County, New York, in a dwelling owned by Gen. William Floyd, one of the signers of the Declaration of Independence. He received very little education during his boyhood, and on reaching his twelfth year he entered a store as clerk in the Village of Herkimer, New York. In the year 1819, he removed with his father to Oswego County, and assisted him in the erection and operation of a grist-mill. Here our subject became enamored with politics, and his first political appointment was deputy sheriff and keeper of the jail in Oswego County. While holding these positions he was appointed inspector of customs for the Oswego District, by Pres. Andrew Jackson, and continued in that position eleven years. He was also deputy United States marshal for the Northern District of New York at the time of the Canadian rebellion, and actively employed in protecting American shipping interests on the lakes. In 1846 he removed to Michigan and engaged in the lumber trade, which he continued for twelve years, when he was elected sheriff of Saginaw County, and closed out his other affairs. He studied law during his term as sheriff, and was admitted to practice at the close of his official services.

He removed to Dakota Territory from Michigan in 1863, and settled in Clay County. He was an old-line Jackson democrat and a member of the Protestant Episcopal Church. During Mr. Turner's active years the democratic party was the ruling political force in the United States. In Dakota he was a democratic leader, and was sent as a delegate to the National Peace Convention held at Philadelphia in 1866. He was for several terms a member of the Territorial Legislature from Clay County; and was elected superintendent of public instruction for the territory in 1866 on the Johnson republican ticket, and again in 1870, and in the latter year was appointed by Governor Burbank a delegate to the National Immigration Convention at Indianapolis.

Nearly all the old hamlets and villages that possessed titles in the pioneer age of Turner County have been abandoned as centers of commerce and municipal industries, and surrendered to the more needful pursuits of agriculture, since the railroad came that way with the townsite agent. Within a year after its organization, and in some instances prior to that important event, there were business centers at Swan Lake, on Turkey Ridge Creek, and about four and a half miles southeast of the center of the county; Turner City, six miles east of Swan Lake, on the Vermillion, where a flour mill had been erected by J. W. Turner and Peter Turner; Marion, in the northwestern part, on the west fork of the Vermillion; Ohio, near Centreville, in the southeast, where Laird Bros. operated a cheese factory; Mattoon, in the same section, where Baker & Douglass built a flour mill; Childstown, founded by James A. Childs, in the western portion, on Turkey Ridge Creek; and Finlay, founded by Rev. James J. McIntire, of Wisconsin, who with a colony of farming people from the Badger State took up their abodes surrounding. Swan Lake was the first settlement in the county, and this fact was probably due to its having been the principal station on the Yankton and Sioux Falls or Fort Dakota Military Road, and also the terminus of the stage line when a mail route was established between Sioux Falls and Yankton in 1865. Turner was the second in point of antiquity; and stood on the

banks of the Vermillion River; there was not much of a town, but the view of the Vermillion Valley from Turner was a picture of grandeur and beauty. Two or three years later a large colony of Mennonites took up land near Childstown. Finlay contained a store, two hotels, and a blacksmith shop. Vale P. Thielman was the leading spirit in all enterprises. Nearly all these old towns, like the pioneer people who founded them, have passed away.

The Swan Lake townsite was surveyed and platted in February, 1871, by B. S. Gillespie, county surveyor of Lincoln County. The original owners of the town were W. W. Aurner, Vale P. Thielman, William Cuppett and James S. Foster. Bartlett Tripp, of Yankton, was the owner of a half block in the embryo city. Being the county seat, Swan Lake was the political head center of the county, and a newspaper, called the Swan Lake Era (now the Parker New Era), was established October, 1875, by H. B. Chaffee, of Vermillion. It was republican in politics, and was published regularly once a week. Charles F. Hackett, a practical printer, of Yankton, purchased the plant three years later, and continued the publication in Swan Lake until the following December, 1879, when he removed to Parker, the new railroad town, and changed the title of his paper to the "New Era." It has since been one of the flourishing and influential institutions of Turner County and the territory. A school was opened at Swan Lake in 1872. Rev. W. H. H. Ross, of the Episcopal Parish of Sioux Falls, preached to the people once a month; Dr. J. S. Hughes, of Lodi, Methodist, sermonized once in three weeks; and Reverend McIntire, of Finlay, supplied the pulpit once a fortnight. Concerning the first settlements in the county, Mr. Thielman places the date in July, 1869, when claims were taken at and surrounding Swan Lake by Mr. Aurner, Col. Gideon C. Moody, Lewis H. Elliott and F. C. Hills, of Yankton, and George W. Ripley. The Mr. Hills mentioned became a prominent railroad official at Sioux City later. None of these parties made settlement. The first improvement at Swan Lake was a sod house built by Mr. Aurner, finished inside with cottonwood boards unplanned. It became the principal hotel in the village.

The county had been surveyed, and a few trappers found employment along the Vermillion and Turkey Ridge waters prior to 1869. From 1865 to 1869, a weekly mail was transmitted from Fort Randall via Fort James to Fort Dakota at Sioux Falls. Soldiers carried the mail pouch and their route lay across the northern part of Turner County.

Settlements were made as early as 1869 in the southeastern corner of the county while that portion was a part of Lincoln. William Lowrie was one of the first. H. H. Hammond and family, Mrs. C. J. Emery and family and William Robinson. M. G. Laird, A. Laird and Jud Pierce, Fred Smith and Andrew Baker took claims and in 1871 the Town of Centerville was located on Doctor Smith's claim. Turner City, a few miles north of Centerville, was established by Hon. J. W. Turner and two brothers, D. C. and P. H. Turner, in the winter of 1870-71, where quite a settlement was made in the spring by the coming in of C. B. Valentine, destined to take a leading part in politics, Cyrus and David Morris, Jackson Davis and son John. Centerville, on the Vermillion River, at this early day exhibited indications of becoming an important business center owing to its favorable location and to its manufacturing advantages due to a good reliable water power. Lovejoy and Haynes brought in the first thrashing machine in 1872, which was expected to do the thrashing for the whole county at that time. The Town of Ohio was directly across the river from Centerville where the Laird Brothers manufactured cheese and operated a good farm.

The first white women to settle in the county were two sisters, daughters of Rev. C. W. Batchelder, of Yankton. These were unmarried ladies, young women, Helen and Annie. Aurner was their brother-in-law. Thielman and Charles S. Scott also took claims near Swan Lake in 1869, and in 1870, Conrad F. Lange, Henry Clay Ash and Fayette Place took up land in that vicinity with James A. Child, a near neighbor. J. H. Shurtleff and W. K. Hollenbeck settled near Fin-

lay in 1871 and Robert Chipperfield soon after. In the extreme northern part of the county James T. Allen and Andrew Ellstrom were the earliest settlers.

Mr. Aurner had an experience in July, 1871, that testified to the remarkable quality of his nerve while in the peril of great misfortune. He was accustomed to visit Yankton once a week and drove a span of white mules hitched to a light lumber wagon. The distance was twenty miles, and it was generally believed that the mules galloped nineteen-twentieths of the distance with Mr. Aurner standing upright in the wagon box. He was a temperance man, and though unusually energetic and at times eccentric, he was at all times clear-headed and was highly respected. On one occasion, in July, 1871, in company with Vale P. Thielman, he was making one of his trips to the territorial capital, the mules traveling at their customary "twelve-mile gait," and when near Clay Creek, in crossing a gully made by a recent rain, the braces connecting the wagon tongue with the front axle gave way. Mr. Aurner was thrown from the wagon striking upon his right hand, and Mr. Thielman was somewhat shaken up. The mules, however, hauling the tongue of the wagon kept on toward their destination as though nothing serious had occurred. Aurner and Thielman started on after the mules afoot and caught them some two miles away, borrowed a wagon from a farmer and resumed their journey. At this point Mr. Aurner became conscious that his right arm was injured. It was bent backward just above the wrist and gave him the most intense pain. Reaching town he was driven immediately to a surgeon who discovered that the wrist bone of the right wrist was broken. The surgeon prepared to give his patient chloroform to alleviate the pain during the operation of "setting the bone," but Aurner declined to take it, saying that he wanted to "see how it was done." And he looked on very coolly and not much concerned while the operation was being performed. Such was the fortitude of the landlord of the Swan Lake Hotel and the pioneer of the Turkey Creek Valley.

J. W. Turner, Henry Davis, Cyrus Morris, Calvin Hill, West Negus, C. P. Hankins, Jacob Shaulter, Richard Williams, O. B. Gray, and a Mrs. Clem, and O. C. Baldy, of Yankton, with his wife, settled in the vicinity of Turner City late in 1871 or 1872. Baldy opened a store. Rev. L. Bridgmen was an early missionary at Turner. An elderly man named Putterbaugh lost his life in a prairie fire in the fall of 1872. He went some distance away from his house to fight the flames and was suffocated by the smoke, fell unconscious and was roasted to death.

A County Agricultural Society was organized at the courthouse in Swan Lake on March 1, 1873. There had been such uniform success attending farming operations that the citizens felt ambitious to acquaint the outside world with the advantages of the county, and selected this society as a proper and the best medium through which to make known the resources of the soil. G. W. Shelley called the meeting to order, and Thomas Buchanan was elected chairman, and D. B. Conway, secretary. A committee consisting of E. Bowditch, Vale P. Thielman and G. W. Shelley, reported the names following for officers of the society: J. J. McIntire, Finlay, president; J. W. Turner, Turner, vice president; D. B. Conway, Spring Valley, secretary; H. J. Hammond, Centerville, treasurer. Directors, H. B. Cooley, Turner; J. H. Shurtleff, Finlay; J. A. Childs, Childs-town; Thos. Buchanan, Spring Valley; M. C. Laird, Ohio; Dr. F. Smith, Centerville; Peter Nelson, Swan Lake. Committee on Constitution and By-Laws, P. H. Turner, Turner; V. P. Thielman, Swan Lake; S. F. Andrews, Spring Valley; H. H. Deyo, Ashville; Jud Pierce, Ohio.

An adjourned meeting was held on the 5th of July following when the constitution was adopted, and the society named the "Turner County Agricultural Society." A proposition to hold a county fair was discussed, but was put over until a month later to give the crops more time to guarantee a creditable exhibition. It was later decided to postpone the exhibition to the next year, and in the meantime to make preparations for it. Next year the grasshoppers came

Immigration to the county was quite encouraging, considering the competition all over the Northwest to secure it.

Prominent among the settlers of 1872 who largely located in the Vermillion Valley were A. J. Dennison, Horace Warner, Eugene Burgess, T. F. Collins, Henry Day Manger and family, O. K. Stanford, Lucius Thompson, James and Sarah Sheldon, Ira Barnes, D. C. Smith, and G. Phillips. The Dakota Southern Railroad was being built in 1872, which was a convenience to the pioneers of Turner County, and proved an economy, as they were now permitted to supply themselves with good hard coal from Elk Point and Vermillion at a cost of \$17 a ton. In 1873 the new arrivals included T. B. Costain, with a family, also C. M. Mansfield, Wm. Roantree, Albert Newby, Geo. Whitmarsh, John Boynton, J. E. Sargent, James Williamson, Elisha Shaw, Miss Vina Alexander, Thomas and Oscar Elce, Charles Thompson, Louis Richards, Orange Still, John Shepperdson and others.

The year 1874 will be regretfully remembered as the year of the seventeen-year locust scourge which devastated the larger portion of the farming settlements of Turner and every other county in the territory, extending its ravages into Minnesota, Iowa and Nebraska. The losses of many of the farmers were complete, the insects devouring every blade of corn and the growing grain. Turner County was in the path of the scourge and suffered heavily.

The Chicago and Milwaukee Railroad entered the county from Canton in 1870, and established the new Town of Parker, which was made the county seat. The other railway town was Marion, an old trading point which now became the junction of the running water branch of the Milwaukee Railroad.

THE COMING OF THE RAILROADS

CHAPTER XLIX

RAILROADS NEEDED TO SETTLE THE TERRITORY

1870

THE RAILWAY SITUATION IN 1856 AND LATER—DAKOTA'S EARLY EFFORTS FOR RAILWAY LINES—THE UNION PACIFIC AND THE NORTHERN BRANCH—THE MISSOURI & NIOBRARA VALLEY RAILROAD FRANCHISE—THE COMPANY PERFECTS ITS ORGANIZATION—NEWTON EDMUNDS, PRESIDENT, INTENDED TO BUILD THE NORTHERN BRANCH OF THE UNION PACIFIC—JOHN I. BLAIR GETS THE COVETED FRANCHISE AND BUILDS FROM MISSOURI VALLEY TO SIOUX CITY—URGENT AND INCREASING DEMAND FOR RAILROADS—LEGISLATURE GRANTS A VALUABLE FRANCHISE TO THE DAKOTA AND NORTHWESTERN—COMPANY PERFECTS ITS ORGANIZATION AND PROCURES A PRELIMINARY SURVEY—REPORTS OF CHIEF ENGINEER—OTHER RAILROADS BUILDING TOWARD DAKOTA—RAILROAD COMPANIES REPORT TO THE LEGISLATURE—1869 GOOD CROP YEAR—ABUNDANCE OF PRODUCE AND NO MARKET—NEW AND NUMEROUS RAILWAY ORGANIZATIONS—THE DAKOTA CENTRAL AND THE GRAND TRUNK—FAILURE TO OBTAIN LAND GRANTS DEFEATED THE BUILDING OF MANY LINES.

In the year 1858 the railroad nearest to the southern portion of Dakota was the Dubuque & Pacific which had been built as far west as Cedar Falls, Iowa. It is now a part of the Illinois Central system. The building of this line under the title of Dubuque & Pacific was the first public intimation of the sentiment then forming for a railroad across the continent which eight years later crystallized, and the construction of the Union Pacific from Omaha was begun. The Dubuque & Pacific encountered the difficulties which beset all railroad enterprises of that day. Its projectors had enterprise abundant, but very little money and depended upon local aid from towns and counties as the work progressed. The state gave the company 3,200 acres of land per mile, and this grant was available whenever a section of twenty miles was completed and operated, but the sale of the lands was slow and the towns were suspicious, and taken altogether these pioneer railroad builders are not to be envied. There were at least a half dozen other railway lines putting out from the Mississippi in Iowa and Minnesota at this time, and all seem to have been hampered in their work by lack of funds.

The Legislature at its first session granted a charter to the Missouri & Niobrara Valley Railway Company naming as incorporators Bligh E. Wood, A. W. Puett, J. W. Boyle, J. A. Jacobson, Lyman Burgess, Reuben Wallace, J. Shaw Gregory, D. T. Bramble, Enos Stutsman, Geo. M. Pinney, W. W. Brookings, Jacob Deuel, M. K. Armstrong, Austin Cole, John McBride, Christopher Maloney, John Stanage, H. Donaldson, H. D. Betts, N. Edmunds, J. Jagley, George Jerome, A. W. Hubbard, John H. Charles, W. P. Lyman, Erastus Corning, R. N. Rice, Elihu Washburn, L. R. Kimball, R. B. Mason, W. F. Shaeffer, and Lyman W. Gilbert.

Railroads had but recently begun to reach out from the Mississippi River into Iowa, at this time, so that this early action of the Dakota Legislature might seem quite premature without an explanation connecting it with a much more important national enterprise.

The Union Pacific Railroad bill passed Congress on the 24th of June, 1862. It provided for a main line commencing on the 100th degree of longitude west from Greenwich, and also for two branches, one to start from Kansas City and unite with the main line at the 100th meridian, and a more northern branch starting from the east bank of the Missouri River in the State of Iowa, and to connect with the main line on the 100th meridian.

This last was the Council Bluffs or Omaha Line, and it was also provided that whenever a railroad should be constructed to Sioux City, Iowa, a third branch should be built from that point to the 100th meridian starting point. The President of the United States was authorized to designate the company that should build this branch, and this was the branch the Missouri River and Niobrara Valley Company was organized for the purpose of constructing. The Union Pacific Railroad was regarded as a war measure, the Civil war then raging having developed conditions that menaced the security of California, and the existing routes from the Atlantic seaboard around Cape Horn or across the Isthmus of Panama. Every state in the Union that was represented in the United States Congress, furnished the commissioners who had charge of organizing the Union Pacific, and these commissioners were named in the law. The Government took upon itself the whole financial burden of the enterprise by making a magnificent land grant to the company and by practically guaranteeing its bonds sufficient in amount to build and equip the road. A provision of the law authorized the construction of the northern branch to start from Sioux City, whenever any railroad had reached Sioux City from the east.

THE MISSOURI & NIOBRARA VALLEY RAILROAD

Anticipating the coming of such a road to Sioux City at an early day (the McGregor and Western and the Dubuque & Pacific or Dubuque & Sioux City, being then under construction), the Dakota Legislature passed the Missouri & Niobrara Valley Railroad bill, which was a very liberal grant of privileges and powers. The road had its eastern terminus on the west bank of the Big Sioux River in the County of Cole (now Union). From the Big Sioux the road was to run westerly through the counties of Cole, Clay, Yankton, Bon Homme and Todd to a point on the Missouri River within seven miles of the mouth of the Niobrara River, or some point where a practicable crossing could be found, then up the Niobrara Valley to the western boundary of Dakota at any point most suitable for leaving said territory in order to reach by a practicable route the South Pass of the Rocky Mountains.

A little study of the list of incorporators will reveal to the reader the names of several of the most prominent railway men at that time in the United States, some of whom were named in the law of Congress authorizing the Union Pacific to be built. There are Wm. B. Ogden, Elihu Washburn, Erastus Corning, men of national fame and at that time at the head of the country's great transportation enterprises. Every member of the Legislature that passed the bill is included in the list of incorporators suggesting that they knew a good thing when they saw it in the form of a railroad charter that had such substantial backing.

The company held a meeting at the Ash Hotel, Yankton, November 8, 1862, at which were present a large number of the resident incorporators; organization was had by the election of W. W. Brookings, chairman, and James Tufts, secretary. On motion of Mr. Bramble the places of all incorporators who had become non-residents of the territory by removal were declared vacant. The board then proceeded to the election of officers of the company. Newton

Edmunds was elected president; James Tufts, secretary; John H. Charles, of Sioux City, treasurer. J. Shaw Gregory, James Tufts, Newton Edmunds, Geo. P. Waldron and M. K. Armstrong were appointed a committee to collect, prepare and furnish information in regard to the route from Sioux City to the South Pass, and lay such information before the incorporators of the Union Pacific Railway Company, and also before any committee of Congress that might call for it. Surveyor General Hill was appointed a special agent of the company to represent its interests before the Committee of Congress, and also to urge that the Pacific Railroad charter be so amended as to extend its grants and privileges to the Missouri & Niobrara Valley Company. A committee to draft by-laws was appointed, and the meeting then adjourned to reconvene December 20, 1862, at the Council Chamber. The entire tenor of the proceedings at this meeting, the earnestness manifested by the leading spirits of the occasion, the scrupulous care taken that every requirement of the charter should be faithfully complied with, and a complete record made in durable form of its proceedings were evidence that those who were engineering the project felt that it was something more than a paper railroad, while the names of many of the incorporators were an evidence that the organization was strongly backed and no doubt had the support of a number of the most influential railroad men in the country.

In accordance with legal notice, the directors of the company held a meeting at the office of Surveyor General Hill, on the 17th of November, 1864, for the purpose of opening the books for subscription to the capital stock of the company.

President Newton Edmunds presided, and James Tufts, the secretary being absent, J. R. Hanson was elected secretary pro tem. Addresses were made by General Hill, Hon. W. A. Burleigh and Mr. Brookings. Hon. Geo. M. Pinney presented the following resolution, which was adopted:

Resolved, That books of subscription to the capital stock of the Missouri & Niobrara Valley Railway Company be opened as follows: At Yankton, Dakota Territory, on the 1st day of December, 1864, at the office of Gov. Newton Edmunds and under his supervision; at the City of Detroit, Michigan, on the 23d of said December, at the office of Jerome & Swift; at the City of New York on the 1st day of February, 1865, at the office of A. G. Jerome; and in the City of Washington, at the office of B. B. French, on the 15th day of said February, and that the agents having charge of opening said books be authorized to collect upon all subscriptions one fourth of 1 per cent upon the amount subscribed, for immediate expenses, and account to the business treasurer of the company for the same; and that Gen. George D. Hill be appointed the agent to open the books at Chicago, Detroit, New York and Washington. The meeting then adjourned.

Following this a call was made for a public meeting of the directors of the company and the citizens of the territory, and in accordance therewith a citizens railroad meeting was held at Picotte's Capitol Building in Yankton, on the 7th of November, 1864, to consider the railroad interests of Dakota. W. W. Brookings called the meeting to order and Governor Edmunds was elected president. Vice presidents were elected, also, as follows: Rev. Dr. M. Hoyt, Lt. T. Elwood Clark, Rev. L. P. Judson, Albert F. Hayward and S. C. Fargo. As it was determined to make this meeting the nucleus of a permanent organization for the development of the railway interests of the territory, and there would be necessity for a permanent officer to attend to its correspondence, Hon. W. W. Brookings was elected corresponding secretary.

Congress had amended the Union Pacific Railroad law at the last session, by giving the President of the United States discretionary authority to designate the company which was to build the north branch of the Pacific Railroad from Sioux City westward to a junction with the main line at Fort Laramie, Wyoming. This branch company would receive the same land donations and Government aid that was granted to the Union Pacific Company, which comprised a grant of every alternate section of land for ten miles on each side of the road, and on the completion of each twenty miles the Government gave the company \$10,000 of United States Bonds, for each mile so completed, taking a subordinate lien

on the lands as security, and the company was further authorized to issue a first mortgage bond on the lands for a sum not exceeding sixteen thousand dollars a mile, thus enabling the company to raise \$32,000 a mile to pay for the expense of construction. Although railroad building material was very high in price owing to the Civil war, this sum afforded a tempting margin to capitalists, and the leaders of the nation in great transportation enterprise were eager to secure the benefits of the law. Surveyor General Hill made the important address at this meeting and explained the situation so clearly as to arouse the keenest interest and enlist the most cordial support of the meeting.

A resolution was then adopted requesting the president of the Missouri & Niobrara Valley Railroad Company, Gov. Newton Edmunds, to advise the President of the United States that the said company will apply to him to be designated as the company to construct the north branch of the Pacific Railway westward from Sioux City according to the intention of the act of Congress. On the motion of Mr. Brookings, the chairman appointed the following named citizens a committee to draw up a report on the most feasible route for the northern branch, and present it to the Legislative Assembly which convened about two weeks later. The chair appointed W. W. Brookings, John W. Boyles, J. Shaw Gregory, Geo. W. Kingsbury, and Jas. S. Foster. On motion of General Hill, Governor Edmunds and T. Elwood Clark were added to the committee, and the meeting then adjourned.

This company maintained its organization for some time and General Hill as agent opened subscription books to the capital stock in Washington, New York, Detroit, Chicago, and Yankton, but the company was not able to secure the cooperation of the United States Government; other interests more powerful checkmated its efforts.

John I. Blair, of New Jersey, was the great railroad builder in Iowa for a number of years. He built the Illinois Central and also the Northwestern Road through Iowa to Council Bluffs, completing it in 1866. He also organized a company called the Sioux City and Pacific Railroad Company under the laws of Iowa, and had that company designated by the President to build the north branch of the Pacific. There was no railway at Sioux City at this time, but Blair, in 1867 constructed the north branch of the Pacific Railroad from Missouri Valley, Iowa, to Sioux City, and also from the Missouri Valley West, crossing the Missouri at Blair, and connecting with the Union Pacific at Fremont, Nebraska. When it was learned that Blair had secured this valuable franchise, which had been done quietly, and while Mr. Lincoln was President, there was great indignation among the settlers of the Missouri Valley above Sioux City, and very earnest efforts were made to get a reconsideration of the matter. Andrew Johnson had become President in the meantime and before anything was done toward the actual building of any road. The Legislature of Dakota for 1864 passed an urgent memorial on the subject, furnishing a vast amount of information regarding the advantages of the Missouri and Niobrara route, and Governor Edmunds, in his message to the Legislative Assembly of 1864-5 calls attention to the subject in the following pointed language:

The location of the northern branch of the Pacific railroad is doubtless a question of far greater importance than any to which I can at this time call your attention, and when presenting, as we do, for the consideration of the President of the United States, by far the shortest and most practicable route up the valleys of the Missouri and Niobrara rivers to intersect the trunk line in the vicinity of Fort Laramie, thus forming almost an air line from the passes of the Rocky Mountains to Chicago—the great railroad center of the North-west—our claims, it appears to me, are paramount to all others which have been heretofore contemplated or even spoken of for this line of road.

I call your attention to this subject at the present time for the reason that it is reported that a company has already been designated to construct the line under consideration, and that it is contemplated by this company to construct the road from Sioux City down the valley of the Missouri River in a southeasterly direction for a distance of one hundred miles or more, to intersect the branch of the Pacific road running west from Omaha. How long will it take, I beg leave to inquire, to reach California, by traveling in this direction? It is

probable that Congress, in making such liberal appropriations to encourage the early construction of this line of road, contemplated or expected the funds of the Government would be used for constructing a railroad running southeast from Sioux City, in order to secure a railroad connection with the Pacific coast? I think not. I have no doubt that Congress, when legislating upon the subject, expected the companies or persons selected to construct the several branches would at least try to shorten the distance and time to California by constructing the roads in that direction.

Believing this to be the case, I recommend that you early call the attention of the President to this subject and memorialize him to reconsider the action of his predecessor, President Lincoln, in designating the company to construct this branch of the Pacific railroad, and in case this cannot be done, that you lay the matter before Congress and solicit from that body such legislation as will require the company designated to construct this branch in starting from Sioux City toward California by the most direct and practicable route.

The memorial passed at the last session of the Legislative Assembly on this subject, approved January 12, 1863, clearly sets forth not only many of the advantages gained by selecting the Niobrara route, but also some of the disadvantages in adopting the route southeast from Sioux City. I respectfully submit this subject for your consideration, hoping that you will, by prompt and judicious action, secure to your constituents the advantages to be derived from having this road constructed through the southern portion of this territory, fully believing this to be in accord with the views of a large majority of Congress in making the appropriation to encourage its construction.

The flight of time and the development and consummation of many of the plans of the leading railroad builders, enables us at this day to see that the original design of this Dakota enterprise had its origin in a broadminded and substantial plan concurred in by the leading transportation interests of the country, to run the north branch of the Union Pacific Railroad on a route substantially as laid in this Dakota Charter of 1862, and this was well known to such Dakotans as Surveyor General Hill, Newton Edmunds, M. K. Armstrong, General Todd, and others, then residents and prominent in the affairs of the young territory. The north branch of the Union Pacific has in fact not been built to this day, as originally contemplated, but the railway from Sioux City south to Missouri Valley, thence west across the Missouri River at Blair, Nebraska, and thence to Fremont, Nebraska, to a connection with the Union Pacific was the line that secured the grants and loans from the Government. President Lincoln, at the time he designated Mr. Blair's company was wholly engrossed with the great problem of the Civil war, and could not have given the subject such consideration as its importance demanded. What might have become one of the principal commercial arteries of the country, became a short local line of little importance and is not now nor has it ever been popularly recognized as the north branch of the Pacific Railroad, though at one time it was dignified with the name of the Sioux City and Pacific Railway.

URGENT DEMANDS FOR IMPROVED TRANSPORTATION

Railroad facilities were demanded by the growing interests of Dakota in 1867. Farmers needed cheaper and speedier transportation for their surplus products; merchants needed better facilities for procuring their merchandise, and the people needed more ample and comfortable facilities for traveling. The Union Pacific Railway was well under way, and the northern branch was under construction from Missouri Valley to Sioux City, which had apparently extinguished the ambition of the Missouri and Niobrara Valley Railway Company which had relied chiefly upon securing from President Johnson the designation of that company to build the north branch of the Pacific. This having been denied the company was not in a position to prosecute so expensive a work, through a country entirely uninhabited, or practically so except for a short distance, and the project was given up.

DAKOTA AND NORTHWESTERN

In the winter of 1867 the Legislature enacted a law incorporating the Dakota and Northwestern Railroad Company. This was prior to the 1868

of Congress prohibiting territorial legislatures from granting special charters. The granting of this charter was the beginning of earnest practicable efforts to secure a railway west from Sioux City. The names of the original incorporators of the company indicate that the incorporation was formed in good faith and with the design of building a railroad forthwith from Sioux City up the Valley of the Missouri, touching at Elk Point, Vermillion and Yankton. The act of incorporation was the last of the special charters granted to any corporation or individual, Congress having, a little later, inhibited the territorial legislatures from granting any special charters. The law was considered a very favorable enactment for the railroad company hence the care that was taken to conform to all its requirements by the company, for a number of years following its enactments, waiting for a donation of land from the Government. It finally passed into the control of the Dakota Southern Railroad Company. The names of the incorporators were: John I. Blair, president of the Northwestern Railroad Company and builder of the Sioux City and Pacific; A. W. Walker, vice president of the same company; Alexander Ramsey, United States senator from Minnesota; D. S. Norton, Ignatius Donally, Geo. S. Becker, Edmund Rice, Green Clay Smith, Newton Edmunds, George M. Pinney, Donald McLean, J. W. Boyle, A. J. Faulk, William Tripp, J. B. S. Todd, W. A. Burleigh, Ara Bartlett, B. M. Smith, S. L. Spink, M. K. Armstrong, D. T. Bramble, W. N. Collamer, H. C. Ash, A. G. Fulle, James S. Foster, Geo. W. Kingsbury, George Weare, John P. Allison, F. M. Zeibach, Mahlon Gore, L. D. Parmer, John H. Charles, E. Kirk, J. C. C. Hoskins, J. Stone, James E. Booge, William Freeney, C. K. Smith, C. K. Howard, Theoph. Bruguier, T. J. Kinkaid, Charles LaBreeche, O. F. Stevens, Geo. W. Kellogg, I. T. Gore, Wm. Gray, Michael Ciurry, D. M. Mills, J. W. Turner, J. P. Kidder, P. H. Jewell, Nelson Miner, Ole Bottolfson, A. VanOsdel, Felix LaBlanc, Canute Weeks, Amon Hanson, James McHenry, R. M. Johnson, Austin Cole, Hugh Fraley, P. H. Conger, R. I. Thomas, John Thompson, Kerwin Wilson, Wm. Stevens, Wm. Cox, C. Ducharme, J. V. Hamilton, C. H. McCarthy, John Dillon, Joel A. Potter, J. A. Lewis, Joseph S. Collins, Geo. B. Hoffman, Hiram Dryer, Gus Gilbert, John Goeway, E. H. Durfee, J. Shaw Gregory, W. P. Lyman, Geo. H. Hand, F. J. Dewitt, and William Bordino.

These parties were largely citizens of Dakota Territory and Sioux City, and were representative business men who had become interested in this enterprise with the determination to secure the building of a railroad up the Missouri Valley from Sioux City. They did not promise to build and equip the road, but they expected to place it in such a condition, with the surveys made, right of way secured, with the addition of some county, town and individual aid as would induce railway construction men, and some of this class were represented among the incorporators to take the franchise and build the line, which was contemplated to run from Sioux City along the Dakota side of the Missouri to the Big Cheyenne. The incorporators or a quorum of that body met at Yankton July 4, 1867, and organized by electing Judge J. P. Kidder, president; A. G. Fuller, secretary, and James S. Foster, treasurer. The meeting then adjourned to reconvene August 29th. At the August meeting there were present the officers elected in July, also W. A. Burleigh, Wm. Tripp, Ara Bartlett, S. L. Spink, D. T. Bramble, Wm. N. Collamer, H. C. Ash, Geo. W. Kingsbury, Hugh Fraley, W. P. Lyman, Geo. H. Hand, Wm. Bordino, Newton Edmunds, L. H. Litchfield.

On the motion of General Tripp a committee was appointed to procure the necessary books and receive subscriptions to the capital stock for the purpose of raising the necessary funds to make a preliminary survey of the line of the road, so far at least as from the Big Sioux River to Yankton, prior to the meeting of Congress, and that all incorporators present at the meeting shall stand personally responsible to this committee to pay their share of the expense for obtaining the books, the price for which must not exceed fifty dollars. The committee appointed consisted of Wm. Tripp, A. G. Fuller, D. T. Bramble, Geo.

H. Hand and Wm. N. Collamer. On motion, Wm. Tripp, S. L. Spink, Geo. H. Hand, James S. Foster, A. G. Fuller, D. M. Mills, James McHenry, Hugh Fraley, Joel A. Potter and Patrick H. Congar were appointed a committee to open the stock subscription books, also to prepare a memorial to Congress for the purpose of procuring a land grant to assist in the construction of the road, and to cause a preliminary survey of the line to be made, and to transact any other necessary business. This meeting adjourned to meet October 25th, to hear the reports of the committees.

At this October meeting George Stickney was elected chief engineer and another adjournment was taken to January 6, 1868, when the directors met in annual meeting at Fuller's Hall, Yankton, and elected officers, as follows: W. A. Burleigh, president; J. P. Kidder, vice president; A. G. Fuller, secretary; M. K. Armstrong, treasurer; Wm. Tripp, attorney, and George Stickney, chief engineer. A preliminary survey of a portion of the line of this road had been made in November, 1867, by Chief Engineer Stickney from the Sioux River to Yankton, and a very favorable route was found. The company proposed to apply for a land grant, and this survey was made to aid in securing the favorable action of Congress.

Chief Engineer Stickney's report follows:

To the Stockholders of the Dakota & Northwestern Railway Company:

Gentlemen: I herewith submit a report accompanied by a profile of a preliminary survey of the Dakota & Northwestern Railroad, made by direction of a meeting of the incorporators assembled at the office of the surveyor general of the territory on the 25th day of October, 1867:

The initial point of this survey is at the intersection of the line dividing lots No. 1 and 2, of section 14, township 89 north of range 48 west, with the Big Sioux River in Union County, Dakota Territory, distant from Sioux, Iowa, five miles, thence in a right line to a point on the south line of lot 2 of the northwest quarter of section 10, township 91, range 49 west, at a distance of fifty-seven rods from the southeast corner of said lot. This point is in the Town of Elk Point. This town is the county seat of Union County, is situated in a rich agricultural district immediately adjacent to an extensive body of good timber. On the line of the river at this point is a good steam sawmill. Distance from Elk Point to the initial point on the Big Sioux, 14.7 miles; from the point in the Town of Elk Point the line of survey is a right line to a point on the west line of township 92 north, range 50 west, at a distance of seventy rods from the southwest corner of said township. This point is 7.2 miles from Elk Point; here is a large body of excellent timber on both sides of the Missouri River. From this point the survey extends in a right line to a point on the west line of section 10, township 92, of range 51 west, at a point five rods north of the quarter stake on the west side of said section, thence north seventy degrees west 112 rods, to a point in the Town of Vermillion. This town, the county seat of Clay County, is situated on the Missouri River, has a good steamboat landing with an abundance of good timber and is rapidly improving, being centrally located in the county. From said last mentioned point in the Town of Vermillion the survey extends as follows: North 84 west 364 rods to a point on the side of the bluff on the east side of the Vermillion River, thence south 84 west twenty-six rods to the east bank of the Vermillion River, thence on said course twenty-two rods to the west bank of said river, thence on said course 154 rods 15 links to a point on the south side of the Government wagon road, thence on a right line to the northwest corner of section 17, township 93, range 54 west, thence in a right line to a point eighty rods south of the northwest corner of section 17, township 93, north of range 56 west, thence in a right line to the quarter post on the west line of section 18, township 93, north of range 59 west, in the Town of Yankton, Dakota Territory. The distance from the Big Sioux River to Yankton, on the line of this survey, is 54.4 miles. This line passes the entire length through one of the richest agricultural portions of Dakota, a section of country rapidly settling up. The soil is a rich alluvial deposit, easy of cultivation, producing abundant crops of all the cereals and all kinds of vegetables. This section of country is particularly adapted to the raising of stock. There is an abundance of good timber on the south side of the line of this survey at an average distance of two and a half miles. In the timber on the north side of the line, at short intervals, are beds of limestone and boulders suitable for building culverts and foundations of buildings. The Town of Yankton, the capital of Dakota Territory, the termination of this survey, is situated on the north bank of the Missouri River on a high level plateau, with a permanent water landing; this is the largest town in Dakota in the Missouri Valley; it has already a large and rapidly increasing trade; it is the depot of supplies for an extensive trade in goods and furs down the Missouri River, and now contains nearly a thousand inhabitants. Above and beyond the Yankton in the Upper Missouri it is surpassed in natural advantages by no other town.

The roadbed will require an elevation on an average throughout of not more than three and one half feet. There is an abundance of gravel and hard loam at Vermillion and Yankton for grading purposes, and throughout the entire route there is a vast supply of timber on the south of the line. There are only two bridges on the entire line to be built, one over the Vermillion, the other over the James River. The construction of these bridges is not difficult or expensive. The vast trade of the Upper Missouri River demands an early completion of this road, not only to Yankton, but to the mouth of the Big Cheyenne and westward until its western terminus shall be the shores of the Pacific. As the Platte Valley is a natural thoroughfare to the Pacific on our south, so the Missouri Valley is a natural and practical central route for a railroad to the Pacific, passing through the rich mineral and agricultural regions of the Black Hills and Montana Territory. The interests of the people of the whole country and the general Government demand the earliest possible completion of a railroad across the continent by way of the Valley of the Missouri River.

GEORGE STICKNEY, Chief Engineer.

The cost of building one mile of ordinary railroad in Iowa at this time was about fifteen thousand dollars. It was stated that the iron cost about eighteen dollars for each twenty-four foot rail weighing 448 pounds delivered; 440 rails to the mile, costing \$7,929, or a little over 4 cents a pound; 440 joints, \$170.00; 40 kegs of spikes at \$38 per keg, or 4 cents for each spike; 2,500 ties at 50 cents each, \$1,250. For laying one mile of track \$425.00. Grading cost all the way from \$1,300 to \$9,000 per mile. Right of way was donated as a rule. Bridges over the ordinary rivers, \$10,000.

The officers of the Dakota & Northwestern Company and those of a new company organized at Sioux City called the Missouri Valley Railroad Company held a meeting at Sioux City, February 1, 1870, where the Dakota Company made a transfer of its franchise, books, etc., to the Iowa organization, under an agreement that the purchasing company should build a line of road from Sioux City to Yankton via Vermillion by the 1st of September, 1871.

The first grading for a railroad made in the Territory of Dakota was one mile on the line of the railroad projected from Sioux City to Yankton. One mile of grading was completed near Elk Point in Union County in the summer of 1870, under a contract awarded to George Stickney, the chief engineer of the company, and a resident of Union County. The work was done in compliance with the company's charter, which was a special instrument given in 1867 before Congress prohibited the passing of special charters, and was considered a very liberal and valuable charter.

OTHER RAILROADS BUILDING TO DAKOTA

In May, 1869, Gen. John Lawler, of McGregor, Iowa, and Dr. J. J. Whitney, of Prairie du Chien, Wisconsin, visited Yankton, and remained several days looking over the city and country surroundings. General Lawler was the vice president of the McGregor & Western Railway Company, which at that day was building west through the northern tier of Iowa counties, and was projected to enter Dakota about twenty-five miles south of Sioux Falls, about where Canton is located, thence south by west to the Missouri River, striking that commercial artery at Yankton. These gentlemen were favorably impressed by their observations and gave the people much encouragement, stating that the plans of their company had been matured after a thorough examination of the country and Yankton was to be their Missouri River point. Later in the same month, Chief Engineer Shephard, of the same company, came over for the purpose of informing himself regarding the topography of the country hereabouts and other matters of consequence to his company. On the 9th of July following, Capt. C. E. Woodman, engineer in charge of the western division of the road, reached the Missouri River at Yankton, after having made a reconnoitering survey of a line from near Canton to Yankton. He informed the people that his report would be favorable to the construction of the road. In the meantime the McGregor and Western became merged with the Chicago, Milwaukee & St. Paul, and the western division was called the "Yankton Division of the Chicago, Mil-

waukee & St. Paul." Nothing more came of this project and the company subsequently selected Chamberlain as its Missouri River point.

George Walcott, a civil engineer, made a preliminary survey of a line from Sioux City to Yankton, via Elk Point and Vermillion, in November, 1869, presumably in the interest of Sioux City, or parties who contemplated building the road, but no further step was taken by the parties responsible for the survey.

These various movements together with the pressing and increasing demand had served to accentuate the popular interest in the railroad question, and as Yankton appeared to be the objective point of all the various projects and was conceded to have the most at stake in the early success of the project it was looked to lead off on some practicable plan, at the same time it was apparent that no assistance, but opposition could be looked for unless the road accommodated the settlements along the Missouri Valley, which in fact were the only settlements of influence and population in the territory at the time. Out of this situation grew the agitation of a plan to subsidize a railway company by the issuing of territorial or county bonds or both. It was doubted whether this could be legally done under the authority of the organic act and sanctioned by a legislative enactment, but there seemed an almost unanimous voice in favor of resorting to it if a market could be found for the bonds. In connection with the proposition it was currently reported that where the bonds were issued by authority of a vote of the people interested, the courts would sustain their validity, notwithstanding the lack of express authority in the organic act, and so it proved.

A meeting made up of the prominent men of the territory was held at Yankton, September 21, 1869, for the purpose of discussing this matter, as well as other propositions. Representatives were present from all the counties and settlements. Judge Jefferson P. Kidder, of Vermillion, was made president, and Gen. H. A. Pierce, of Yankton, secretary. Addresses were made by Congressman Spink, Judge Kidder, Judge Brookings, Capt. Nelson Miner, of Vermillion, Gen. William Tripp, George Stickney, Union county; F. J. Dewitt, Charles Mix; and the situation was quite thoroughly discussed. The question of securing a grant of land from the national Government or aid from that source in any other way was talked over, but not in a hopeful spirit. Land grants were no longer favored by Congress. Nothing definite was accomplished at this meeting, and without any other conclusion than that the interests of the territory urgently demanded railway facilities, the meeting finally turned the subject matter over to a committee of one from each county, which was instructed to enter into correspondence with railway people and with capitalists, with the view of effecting the extension of some of the lines then pointing westward through Iowa and Minnesota, into Dakota. It was manifest, however, that the representatives from the other counties east of Yankton were not inclined to favor such a line as the Yankton division of the Chicago, Milwaukee & St. Paul, from Canton to Yankton, as that would not benefit the present interests of Union, Clay and Vermillion counties, but would be the cause of settling up rival trading points to those already established, and would divert immigration to the lands bordering the new railroads. A road from Sioux City up the Missouri Valley seemed to arouse the greatest interest. The committee was duly appointed, consisting of H. A. Pierce, Yankton County; T. O. Wisner, Union County; George Stickney, Clay County; Franklin J. Dewitt, Charles Mix County; J. Q. A. Fitzgerald, Lincoln County; John Thompson, Minnehaha County; H. C. Ash, Jayne County; W. A. Burleigh, Bon Homme County; and Enos Stutsman, Pembina County.

This committee was instructed to report at a subsequent meeting to be called by President Kidder, but the record fails to disclose that there was ever held another gathering of territorial scope to consider this subject.

With the Yankton people there was an earnest sentiment, based upon the most important conditions, that railway facilities must be secured, and from the date

of this meeting the efforts of the people were largely directed in negotiations looking to the construction of a road.

Gen. G. M. Dodge, and Hon. James F. Wilson, of Iowa, prominent citizens and railroad projectors and promoters, visited the settlements in the Missouri Valley in October, 1866, and held meetings. They proposed the organization of a company for the purpose of building a railroad from Sioux City up the immediate Valley of the Missouri to a connection with the Northern Pacific, which at that time was expected to cross the Missouri near the mouth of the Yellowstone. These gentlemen were sanguine that they could secure the building of the line, and at the meetings held they were assured of the hearty and liberal co-operation of the people. On their return to Sioux City, a company was organized, composed of G. M. Dodge, John T. Baldwin, A. W. Hubbard, E. Creighton and James S. Wilson, for the purpose of constructing a road from Sioux City to the Big Sioux River, a distance of about five miles through Iowa, there to connect with the proposed Dakota & Northwestern already organized, which has been mentioned, whose charter could be secured and which conferred valuable franchises.

RAILROAD CORPORATIONS REPORT TO LEGISLATURE

The Legislative Assembly of 1870-71 adopted a joint resolution requiring all railroad companies organized under the laws of Dakota Territory to make an immediate report and statement of the condition of the corporation, and what had been accomplished, in order that the Assembly might have reliable data upon which to base a memorial to Congress for a grant of lands to the territory to be used in promoting the construction of railways. The Dakota & Northwestern Company submitted its report January 25, 1871, as follows:

The act of incorporation under which this company organized was approved January 11, 1867. The company organized as required by said act early in June following, and in August the board of directors ordered a preliminary survey of their proposed line from the Big Sioux River to Yankton, which was made by Chief Engineer George Stickney during the following November. On the 6th of January, 1868, an annual meeting of stockholders was held at Yankton, when books of subscription to the capital stock were opened and 6,490 shares of stock subscribed. A board of directors was elected, the report of the chief engineer, herewith attached, was received and approved. No further steps were taken during 1868. On the 4th of January, 1869, at the annual meeting of the directors, the books of subscription were again opened, when the remaining portion of the capital stock of \$1,000,000 was subscribed and the books were closed. The stockholders met at the same time and elected a board of directors.

On the 23d of November, 1868, the stockholders of the company held a special meeting pursuant to a thirty days' call, for the purpose of authorizing the company to make arrangements for the construction of the road by the company or by the Missouri Valley Railroad Company. A committee appointed to consider the proposition of the latter company reported in favor of accepting the proposition of the Missouri Valley company, and authorizing the Dakota & Northwestern to transfer its franchises to the Missouri Valley road upon the conditions that a survey of the road be made, and one mile of grading be completed by the 1st day of September, 1869, and the whole road completed and in running order from Sioux City, Iowa, to Yankton, Dakota Territory, by the 1st day of September, 1871. The survey has been made and the one mile of grading done.

The Missouri Valley company was organized under the laws of Iowa for the purpose of constructing a railroad from Sioux City, Iowa, to a point of junction with this company at the Big Sioux River, and for the further purpose of acquiring the right to construct the line of road of this company in accordance with the laws of the territory. The first condition under the articles of agreement was complied with, and we have every assurance and are satisfied that the second will be, as well as the further condition which requires said company to construct the remainder of the line in accordance with the terms of this company's charter and its contract with said valley company road. A failure on the part of the Missouri Valley company to comply with the terms and conditions of said contract will, by the terms of the same, revert all the rights, privileges, franchises, etc., embraced in its charter to this company.

The Missouri Valley company, we are assured, is engaged in perfecting its plans for the building of the road, and have furthermore applied to Congress for a grant of lands to aid in its construction, said grant to be made to the Dakota corporation; said lands, if granted, to be sold to actual settlers at the price of \$2.50 per acre. In consideration of the great benefits to flow from the construction of this line, we ask the Legislative Assembly

to aid by memorial to Congress, to secure a land grant which we are confident will secure the completion of this line of railroad within the next twelve months.

Congress has abundant precedent for granting lands to aid in the railroad development of our young and promising territory. In conclusion, we desire to say that on our application for the right of way along the line of this road we have received, in every instance, a cheerful grant of the same by the property holders, an assurance of their aid in the full and speedy completion of this great enterprise.

J. B. S. TODD, Secretary.

J. P. KIDDER, President.

Yankton, D. T., January 6, 1871.

THE YEAR 1869 GOOD FOR CROPS

The year 1869 was the most notable for immigration and good crops the territory had yet experienced. Farmers in many instances threshed out forty bushels of wheat to the acre of ground planted, and two or three small cargoes of this grain were shipped down the river on some of the late steamboats. There was a great surplus of wheat and the mills had not then been erected to grind it. Wagon transportation to Sioux City ate up all the profits, and it was the very best of fortune to find the outlet by boats for a portion of the surplus of the counties across the river, as well as in Dakota. The necessity for a railroad was forced upon the attention of the people by conditions of this character, which were certain to grow more urgent another year; and the energy and ability of the territory was given in good earnest to securing railway facilities. Public meetings were held where addresses were made showing the advantages of railway facilities, though everyone seemed to have settled that question with himself affirmatively, and ways and means for supporting an enterprise were suggested; committees were appointed who visited the railway managers in their eastern offices and endeavored to enlist them to build their lines into the territory. The prosperity of every branch of industry apparently was dependent upon securing railway facilities, and if settlements were to expand and population and production increase, such facilities were indispensable and urgent. Steamboat transportation was not dependable, because navigation closed when most needed to move the grain. It was a railway that the situation demanded imperatively to relieve the congested condition of the farmers' cribs and grain bins. Railroad companies had been organized in the territory and preliminary surveys made from Yankton to Sioux City; from Yankton to Columbus, Nebraska, and also from Yankton to a point in Southern Minnesota. Representative men had been sent out to the railway and financial centers east for the purpose of enlisting individuals of wealth or railway corporations in the project of constructing a line into the territory and through its most important and promising centers of population, but nothing tangible had been accomplished. While the situation at home was keenly realized, railway builders had not appeared to be favorably impressed. As a rule, they looked upon the enterprise with disfavor, promising no adequate returns for the capital required to construct and operate a road, and they were loath to consider a proposition unless it was accompanied by a substantial subsidy. All or nearly all the western railroads had been aided by grants of land and county bond donations; the Dakota proposition had neither to recommend it. The contention on the part of the railway men was that there was not sufficient patronage from the grain fields and commerce of the territory at the time to warrant the investment of the money which would be required to build, equip and operate the road, and a subsidy of lands or bonds would be needed to make up the estimated deficiency. Millions of acres of unclaimed land still awaited settlement on the frontiers of Iowa and Minnesota, and railway men were apt to consider that years would elapse before there would be any more than moderate progress in the settlement of the wide wastes in those states, which would be the first to invite the attention of the immigrant from the East. Had the price of wheat gone to a dollar a bushel it might have been a factor in favor of Dakota's railway development at that time, but prices of all farm products averaged low, indicating that the supply was abundant, the demand very moderate. (And nothing of the kind occurred or was likely to occur for a generation, and the situation in the territory, as well as the spirit of enterprise that dominated those old Dakotans,

would not admit of a surrender.) They had the will and they were bound to find the way. The only feasible project at this time and the one that had a large majority of public sentiment behind it, was a road from Sioux City up the Missouri Valley on the Dakota side. Such a line would reach the important towns of Elk Point, Vermillion and Yankton, which were the principal centers of trade, and at Yankton would connect with the Missouri River, an important item to the projected road in securing the up-river business and the contracts for transporting the army supplies and Indian goods sent up by the Government. The cost of grading this line would be much cheaper than the average.

Sioux City had a monopoly of the Dakota business, and was also the starting point for a large number of up-river steamboats. Competition between the railroad and the river had induced the railways to make a rate from Chicago to Sioux City as reasonable as the boats could afford from St. Louis to Sioux City, the Chicago market was also an eager competitor, while in the matter of time the railway possessed a decided and permanent advantage.

The Sioux City business men were not friendly to an extension of their road into Dakota, but it was apparent to even the most casual observer that if the southern portion of the territory was to have a railroad it must come from Sioux City or that point would lose one half of its business. Had any of the other railway projects which the people of Dakota had in view at that time been successful, they would have deprived Sioux City for a time, at least, of its most valuable trade territory, and there were prospects of securing railway facilities from other directions.

A NEBRASKA ENTERPRISE

Reference has been made to the Yankton and Columbus Railway. This company though organized in 1868 at Yankton under the laws of Dakota, was also in 1869 organized at Columbus under the laws of Nebraska, there being substantial reasons for doing so, the principal advantage being the securing of state and county aid. The officers of the new organization were John Rickley, president; W. W. Brookings, vice president; Will B. Dale, secretary; Charles H. Whaley, treasurer. W. W. Brookings, Newton Edmunds, J. R. Hanson, Will B. Dale, Chas. H. Whaley, S. L. Holman, directors. Rickley, Dale, Whaley, and Holman were the Nebraskians. The plan was to secure a donation of county bonds from the counties through which the road would pass, sufficient to pay the cost of right of way, grading and tieing, and already the Legislature of Nebraska had made a grant of Nebraska state lands to this company. This enterprise was inviting to Yankton people, and was supposed to have the favor of the Union Pacific Railway. It was kept alive through the succeeding year and a meeting was held at Yankton January 14, 1871, for the purpose of promoting it; the Nebraska interest manifesting a determination to build the line considering the feasibility of making an effort to obtain the grant of certain lands understood to have been forfeited to the State of Nebraska by certain railroad companies which had failed to comply with the terms of their grant; to aid in building a railroad from Yankton to Columbus in that state. Chief Justice French presided at this meeting, and Maj. J. R. Hanson, of Dakota, and Hon. S. P. Sanders, United States senator of Nebraska, were secretaries. Addresses were made by Jas. S. Foster, Hon. S. P. Sanders, W. W. Brookings, Surveyor General Beadle, Secretary of the Territory George Alexander Batchelder, Bartlett Tripp, M. T. Woolley, Mr. Herrick, Gov. Newton Edmunds, and Col. G. C. Moody. This route from Yankton to Columbus had already been surveyed and a profile made of the line by Carl C. P. Meyers, and an excellent route found. Finally a committee was appointed consisting of Governor Edmunds, Colonel Moody, Secretary Batchelder, Jas. S. Foster, General Beadle, S. P. Sanders and Saby Strahm, the last named of Aten, Nebraska, to visit the Legislature of Nebraska, then in session, and make an effort to secure the legislation necessary to enable the Yankton and Columbus Railway Company to

obtain control of the forfeited lands. A portion of the committee attended the session of the Legislature, and met with much encouragement but found some impediments in the way that had to do with the organization of the company, but which could have been easily corrected. It was doubtful, however, whether the matter could be reached in time for the Legislature then in session to act upon it. The project does not appear to have received any further attention due no doubt to the improving prospects of obtaining an eastern connection through Dakota lines already projected. It was also apparent that Yankton could expect no support whatever beyond its immediate community for this enterprise, it being considered by the communities east of the capital as detrimental to their interest, and helpful only to a very small area of the then settled and productive area of the territory.

During the session of the Minnesota Legislature of 1865, a memorial was passed by that body, asking Congress for a grant of land to aid in the construction of a railroad from La Crescent, Houston County, Minnesota, via Blue Earth City to the Town of Yankton, Dakota Territory. The La Crescent, Rochester and Yankton Railroad Company had already been formed, and M. K. Armstrong, of Yankton, was one of the incorporators. The land grant asked for was ten sections to each mile of road, the total length as established by survey being about 275 miles, and connecting the Mississippi and Missouri rivers in the Northwest. The bill granting the land passed the Senate, but did not get through the House. The company was unable to go ahead without the aid of the land grant, and the enterprise seems to have been given up by its projectors.

Work on a number of railroads through the State of Iowa, from the Mississippi had been going forward in a spasmodic manner for several years, each advance shortening the distance of wagon transportation between Dakota points and the railroad. Dakotans watched with much interest the forward movement of these highways. The building of the Union Pacific west from Omaha had given an impetus to the work on the Iowa lines, particularly the Northwestern from Clinton, and in February, 1866, this road began running a passenger train to Boone, Iowa, from Chicago, which enabled the Dakota passenger to reach Chicago in seventy-two hours, "long measure." The stage trip to Boone occupied fifty-three hours continuous traveling when the roads were good, according to the advertised schedule, and thence by rail to the lake metropolis in twenty hours.

In the fall of 1866, engineers began the survey of the north branch of the Union Pacific Railroad, from Missouri Valley Junction to Sioux City, Iowa. This enterprise was one of the railway puzzles of that age, it being farther away from the Pacific at its terminus than when it left its initial point at Sioux City, but Mr. John I. Blair, of New Jersey, who was then the railway king of the West, built an extension west from Missouri Valley some time later, joining the Union Pacific at Fremont, Nebraska, which carried the western terminus a few miles farther in a Pacific direction, and aided materially in consuming the substantial appropriation made by the Government.

On the first day of January, 1867, the Chicago and Northwestern Railroad was opened for traffic to the Village of St. Johns, afterwards called Missouri Valley (Iowa). The railroad from Missouri Valley to Sioux City was built in 1867, and completed in March, 1868. It was the first railroad to reach Sioux City. It was built by John I. Blair and was called the Sioux City and Pacific, being constructed under the charter granted by Congress for building the Union Pacific Railway, and constituted the north branch of the Union Pacific.

Under a charter granted by the Legislature of Dakota of 1866-7, the Minnesota and Missouri River Railroad Company was organized at Yankton on the 26th day of February, 1867, by the election of M. K. Armstrong, president; Newton Edmunds, vice president; George H. Hand, secretary, and D. T. Brumley, treasurer. This company had some very strong financial support in Minnesota, where Mr. Armstrong's brother resided, and had been lieutenant governor of the state. There was a great deal connected with its initiatory work that gave

grounds for believing it would develop into something substantial. According to the terms of its charter, the line started at a point on the boundary line of the State of Minnesota between Minnesota and Dakota, about due east of Sioux Falls, and running southwest terminated at the Missouri River—the terminal point being left undetermined, but either Vermillion or Yankton, or any intermediate point could be selected. A reconnoitering surveying party made an inspection of the proposed route from Yankton to Sioux Falls during the summer, and a practicable route was found that varied little from an air line. This survey was made by Messrs. Armstrong, Spink, Fuller and Bradford, of Bon Homme.

Mr. Armstrong, who was a skillful civil engineer, and Mr. Samuel Morrow, a practical surveyor, then made a preliminary survey of the line, starting from Yankton, thence along the territorial road north, crossing the James River at a place called Bruid's Ferry; thence over a gently rolling prairie, crossing Clay Creek, Turkey Creek, Vermillion River, and the Big Sioux River in the great bend west of the Falls, reaching the state line of Minnesota at a distance of sixty-eight miles and thirty-seven chains and eighty links, at which point a connection was made with the proposed Southern Minnesota Railroad, and also the surveyed line of the Minnesota Valley Railroad from St. Paul via Mankato to the Missouri River.

The stockholders of this company met January 7, 1868, and elected a board of directors, as follows: M. K. Armstrong, W. W. Brookings, Newton Edmunds, Geo. W. Kingsbury, S. L. Spink, D. T. Bramble, Geo. H. Hand and A. G. Fuller. The officers chosen by the directors were: S. L. Spink, president; A. G. Fuller, vice president; Geo. H. Hand, secretary; D. T. Bramble, treasurer; W. W. Brookings, attorney; M. K. Armstrong, chief engineer.

The Yankton and Columbus, Nebraska, railroad enterprise was set on foot in November, 1868. On Saturday, the 21st of that month, a meeting of the citizens of the territory was held at the capitol building at which Governor Edmunds was elected chairman and James S. Foster, secretary. The meeting was addressed by Messrs. W. W. Brookings, Geo. H. Hand, S. L. Spink, Joel A. Potter, G. W. Kingsbury and General Foster. Messrs. Spink, Potter and Edmunds were appointed a committee to invite John I. Blair, the eminent railroad builder, who had constructed the Northwestern Railroad across the State of Iowa, and the Sioux City and Pacific to visit Yankton and to confer on railroad matters. Messrs. I. N. Higbee, Hand and Kingsbury were appointed to ascertain the cost of a preliminary survey of a line from Yankton to Columbus. Mr. Brookings was selected to open up correspondence with the parties in Columbus who were favorable to the enterprise. Messrs. Gov. A. J. Faulk, J. E. Witherspoon, D. T. Bramble, C. H. McIntyre, J. Shaw Gregory, G. W. Kingsbury, M. K. Armstrong, J. L. Foster, Simon Eiseman, J. B. S. Todd, J. M. Stone and J. R. Hanson were appointed a finance committee. The meeting then adjourned to meet on the 28th instant.

A preliminary survey of this line was made by Engineer C. C. P. Meyer, in the late fall of 1868. He found a good route and quite direct. The expectation at that time, engendered by the active cooperation of the Columbus people, and intermediate points, and a promising prospect of state aid through a grant of state lands, was that the Yankton and Columbus would be constructed, and by way of the Union Pacific afford Dakota its first outlet. Mr. Meyer's report was submitted to the Legislature in 1868.

The Vermillion Valley and Northern Pacific Railroad was surveyed by H. J. Austin, chief engineer, in the summer of 1871. In his report of the survey the engineer says:

The route may pass nearly in a direct line and with few curves the whole distance of 300 miles. Starting from Vermillion, the route passed nearly north along the Vermillion Valley in Clay County, touching Bloomingdale, Lodi and Riverside; thence into Turner County, touching the towns of Mattoon, Ohio, Turner and Finlay; thence north on the

second guide meridian between McCook and Minnehaha counties, thence through Lake County, and bearing a little west, through Wood County, near Lake Thompson, along the western edge of the Coteaus. From Wood County the route lies through Clark, Greeley, Stone, Ransom and Burbank (now Barnes), to the Northern Pacific Railroad, at a point about forty-five miles west of Fargo. The whole route is well watered with clear streams and beautiful lakes, interspersed with small groves of timber. The building of the road over the first 150 miles would require but little grading and but few bridges. I think that \$60,000 would prepare the first 1,650 miles for the ties. The lay and quality of the land for twenty miles on either side of the line excels any tract of country of the same size I ever saw. It is not so level as to require drainage, nor too rough for farm purposes. I do not believe there is one acre in a thousand in all this scope of country, 40 miles in width by 150 miles long, but can readily be cultivated, and will grow a good crop of wheat, oats, corn, barley or potatoes.

Its incorporators were Horace J. Austin, Jefferson P. Kidder, Nelson Miner, Charles H. True, Andrew E. Lee, M. D. Thompson, D. M. Inman, Amos F. Shaw, John L. Jolley, B. F. Campbell, J. W. Turner, V. E. Prentice, Geo. Curliss, P. H. Turner, Samuel Lyon, Henry Newton, Samuel Jones, F. Mc Kercher, R. J. Stanley, H. J. Austin, H. H. Rudd, Jesse L. Fisher, W. K. Hollenbeck, C. A. Maxon, E. W. Skinner.

A railway company was organized at Elk Point in February, 1872, for the purpose of constructing a railway from the Point to Brule Creek, thence up that stream fifteen miles, thence northwesterly to the Vermillion River at Turner, thence northerly to a terminus with the Northern Pacific. It was called the Elk Point and Dakota Central Railway. Its construction depended largely on getting a grant of land from the Government, which it was unable to procure, and subsequent railroad developments postponed the work of construction which was not undertaken.

The Springfield and Dakota Central Railway Company was organized in November, 1871, to build a railroad west and northwest from Springfield to the Northern Pacific. It never got beyond Springfield owing to the refusal of Congress to aid it with a land grant, a cause that lay at the root of many other contemporaneous railroad enterprises.

The Omaha & Northwestern Railroad was an enterprise that greatly interested Dakota people and was the subject of a number of public meetings. It was originally planned to build to a point on the Missouri River opposite Yankton, and to have the road completed in 1872. This line was to be aided by a donation of Nebraska State lands. The citizens of Dakota sent a representative, James S. Foster, to Lincoln, Nebraska, in January, 1871, while the Legislature was in session there to promote the interests of Dakota in the enterprise, who met with much encouragement, and who also filed articles of incorporation for a new enterprise called the Yankton, Columbus and Manhattan Railroad Company, having its southern terminus at Manhattan on the Kansas River, and on the line of the Kansas City Branch of the Union Pacific. This line was also to be aided by a grant of Nebraska State lands. The parties composing the company were H. J. Hudson, L. Gerard, and J. O. Shannon, of Columbus; William Ryan, of Omaha; and James S. Foster, Yankton. Both projects yet remain in the waiting column.

THE DAKOTA CENTRAL INCORPORATES

In 1870 the railway projecting circles of the territory were encouraged by the filing of articles of incorporation by the Dakota Central Railway Company, an organization composed of non-residents largely that designed to build a road from Yankton to connect with the Northern Pacific which had not then entered the territory but was hastening toward it across Minnesota. This company was incorporated by officers and directors of the Chicago and Northwestern. Mr. Keep at the time being the president of that company. Mr. Bordino the only citizen of the territory in the list of incorporators. The following was submitted to the Legislature of 1870-71, as the company's annual report

Office of Dakota Central Railway Company,
Yankton, D. T., January 10, 1871.

To the Honorable Legislative Assembly of the Territory of Dakota:

Gentlemen: In reply to the joint resolution passed by your honorable bodies, requesting all railway companies now organized under the laws of this territory to report to the present ninth session of the Legislature, we herewith submit a full and complete statement of the condition and affairs of the Dakota Central Railway Company:

The following is a copy of the company's certificate of incorporation:

This certificate of incorporation certifies that the following articles of agreement, made and concluded this 25th day of January, A. D. 1870, in the City of Yankton, capital of Dakota Territory, by and between James Keep, Oscar Bidwell, Ezra A. Cook, William Bordino and G. D. Miller;

Witneseth, That whereas, it is the intention of the above named parties to hereby and herein organize themselves into a legally incorporated railway company, under and by virtue of the provisions of the general incorporation act of Dakota Territory, approved January 6, 1868, entitled "An act to regulate incorporations," under the name and style of the "Dakota Central Railway Company," for the purpose of constructing and operating a line of railroad from the City of Yankton, on the Missouri River, northward up the Valley of the Dakota River, through the counties of Yankton, Jayne, Hutchinson, Buffalo, etc., to an intersection with the Northern Pacific Railroad above the 45th parallel of latitude. Therefore, this corporation, which is hereby and herein formed and established for the purpose of constructing the above line of road named and known as the "Dakota Central Railroad Company," and the said line proposed to be built shall be designated as the "Dakota Central Railroad," and the amount of capital stock necessary to construct and equip said road is hereby declared to be \$5,000,000, which shall be divided into shares of \$100 each, which shares shall be subscribed for as is provided in section 80 of the aforementioned incorporation law of the territory, work to be completed in ten years.

In accordance with the requirements of section 87 of the incorporation act aforesaid, the incorporators herein named do hereby "establish a place of business on the line of said road," which shall be located in the City of Yankton, at M. K. Armstrong's land office on Second Street; and the same is hereby declared to be the temporary office of the company "Dakota Central Railroad Company" until changed by the board of directors; and at said office of the company the first books for subscription of stock to the Dakota Central Railroad shall be opened to the public on the 28th day of February, 1870.

(Stamp.)

JAMES KEEP,
OSCAR BIDWELL,
EZRA A. COOK,
WILLIAM BORDINO,
G. D. MILLER.

Here follows the certificate of M. K. Armstrong, notary public, declaring that the above named parties had made an acknowledgment before him of the foregoing articles of incorporation.

The books of subscription were duly opened as above stated on the 28th of February, and \$3,000,000 of the capital stock subscribed. On April 1st, the stockholders met and elected the following board of directors, to-wit: D. T. Bramble, A. W. Burrow, M. T. Woolley, William Bordeno, J. M. Stone, Geo. N. Propper, M. K. Armstrong. The directors then elected D. T. Bramble, president; J. M. Stone, vice president; M. T. Wooley, treasurer; M. K. Armstrong, secretary and engineer. The engineer was directed to make a preliminary survey of the line as early as practicable; and in accordance with this order, in the month of June following, a reconnoissance of the proposed line was commenced and prosecuted as far up the valley of the Dakota River as the 44th parallel of north latitude, and a map and report made to the company.

The country traversed was found to be one of the richest agricultural districts in the territory, and almost entirely destitute of timber, except a narrow belt along the banks of the Dakota River. Settlements were found to have advanced about sixty miles above up the Dakota River Valley, and in many places had spread out on the surrounding prairies. Excellent building stone was found along the valley in many places; at old Fort James and at Firesteel Creek the supply was apparently inexhaustible. The building of the road will develop a wonderfully rich region, and the Legislative Assembly was requested to give its encouragement and aid by memorial to Congress for a land grant.

It will be observed that all these railroad enterprises, taking their cue from what had been the earlier practice of the Government, depended for the construction of their lines upon a donation of the public land from the Government.

THE GRAND TRUNK

In 1872 there was general expectation that Congress would extend the favor of a grant of land to the Territory of Dakota to assist in the more rapid settlement of the public lands and the development of the interior of the territory. The Dakota Southern had been quite successful in securing county bonds and was in a fair way of being completed from Sioux City to Yankton, but it was felt the further settlement of the territory would be materially retarded unless transportation lines were speedily extended into the interior. With this object in view and with the expectation of securing a liberal donation of the public land, the organization known as the Grand Trunk Railway Company was formed at Yankton in the winter of 1871-2, and through the efforts of Hon. M. K. Armstrong, then delegate in Congress, a charter was secured from Congress which gave the company right-of-way through the public lands and necessary depot grounds. Its main line was projected from Yankton up the James River Valley to a connection with the Northern Pacific; one of its lateral branches was a line from Yankton to Sioux Falls with a branch from the Vermillion crossing to Canton, to connect with the McGregor and Western; another line extended from Yankton to Springfield, thence up the Missouri; and a survey was made of the main stem and the branches named.

The incorporators of this company were Gov. A. J. Smith, president of the Northern Pacific; Thos. A. Scott, of Pennsylvania, then a great railroad king; Gov. John A. Burbank; Secretary E. S. McCook, W. W. Brookings, M. K. Armstrong, G. W. French, William Pound, and J. R. Hanson.

The Dakota and Northwestern Company had already been merged with the Dakota Southern; but there were two or three companies, less ambitious than the Grand Trunk that had been organized with a view of building lines out from the Missouri River into the interior, and it was apparent that the Grand Trunk would seriously interfere with their plans, which had in view a Government land grant, hence there was considerable antagonism aroused in the territory growing out of this situation. The Yankton, Sioux Falls and Minnesota Railway Company had received subscriptions to its capital stock, and made a preliminary survey of its line. Its incorporators were Wm. H. H. Beadle, George H. Hand, Arthur Linn, John W. Turner, Joel A. Potter, M. K. Armstrong, W. W. Brookings, G. H. Wetmore, James S. Foster, Peter H. Turner, Geo. W. Kingsbury, C. H. McIntyre.

The Yankton & Niobrara Valley Railway was another vigorous organization, planned to extend from Yankton by way of Bon Homme to the Niobrara and thence west on the old projected line of the northern branch of the Union Pacific to a connection with the main trunk at some point east of the Rocky Mountains. Its incorporators were A. J. Faulk, J. Shaw Gregory, J. A. Lewis, J. M. Stone, Joel A. Potter, Wm. H. H. Beadle, Moses K. Armstrong, and Henry E. Gregory.

Realizing the wisdom of quieting all opposition at home among these lesser luminaries in the railway realm of the territory, because of the hurtful effect it would have in Washington where the campaign for a land grant was being energetically waged, the "Great Octopus" as the Grand Trunk was popularly known, at its annual meeting, passed the following resolutions:

Resolved, That the board of directors of the Grand Trunk Railway Company hereby declare that it is now, as it has been heretofore, the intention of this company, to deal fairly with other railway companies over whose proposed lines the Grand Trunk extends, and that at the proper time this company is ready and willing to meet the companies for the purpose of arriving at an amicable settlement of all differences.

Resolved, That for the purpose of meeting other organizations for the object indicated above, this board when it adjourns will adjourn to meet at the office of the company in Yankton, on the 21st of September, at 10 o'clock A. M., and that a meeting of the stockholders be held at the same time and place.

An assessment upon the capital stock sufficient to realize the sum of \$10,000, to meet the immediate expenses incident to survey, etc., was ordered to be

paid by the 31st of October. John A. Burbank, Geo. W. French, J. R. Hanson, M. K. Armstrong, W. W. Brookings, Wm. Pound, and W. L. Woods were elected directors. Burbank was elected president; Armstrong, vice president; McCook, secretary; and Hanson, treasurer.

The company, though well supported in Congress in its efforts to secure a land grant was unable to break through the opposition in the House where the sentiment was decidedly hostile, and the Grand Trunk Company, which appears to have based its success entirely on the securing of this bonus was obliged to relinquish its project.

The assuring phraseology of these resolutions was presumed to have been justified from the personal connection of Governor Burbank who was president of the company, and had assisted by his influence in securing the charter from Congress. It was believed that he had been able to break down the opposition of Congress to land grants for Dakota railroads, and had assurances of support for such a grant from those who possessed the authority to give it. The governor's success in securing the early ratification and legalizing of the Dakota Southern Railroad and Yankton County bonds, formed the principal ground for the confidence felt in his ability to successfully prosecute a campaign for a land grant for his favorite railway.

The generous proposition for cooperation made in the first resolution will serve to show the magnanimous and anti-monopolistic disposition of Dakota's early railway kings. About the time this action was taken, the railway fever was at its height for a short season; leading railroad men East were known to be interested in some of the Dakota projects; and the general expectation apparently was that the territory was to be gridironed with railways in advance of settlement, even the welcome toot of the locomotive could be heard by people whose ears were close to the ground, and that Governor Burbank, Chief Justice French, and others, who could get close to the confidence of prominent congressmen were in charge of affairs.

A number of railroad lines were surveyed in Dakota Territory during the years from 1865 to 1869 but none of them went any farther than this preliminary work except the Dakota and Northwestern projected from Sioux City to Yankton. The cause of this activity in railroad projects may be found in the fact that Congress had up to 1868 been disposed to be liberal in granting land subsidies to the railroad organizations in the West, and our enterprising people proposed to get a donation to assist in the construction of several lines, one already much needed, and others that the settlement of the prairies and the production of grain and live stock would create a demand for at an early day. But unfortunately for our railway enterprises, Congress had, about this time, changed its policy and was averse to any more railway land grants. There were no more given. The Dakota and Northwestern had been carefully surveyed from Sioux City to Yankton by a competent engineer, and efforts were being made with good prospects of success in securing its construction, when in the winter of 1870-71 a new company was formed called the Dakota Southern, to build a line from Yankton to the Big Sioux River, leaving the point of crossing the Big Sioux unnamed, but LeMars was the objective point. This aroused a favorable sentiment in Sioux City for the Dakota and Northwestern, for a line to LeMars connecting with the Illinois Central would have been a serious blow to the commercial interests of Sioux City. The title of the new LeMars line was the Dakota Southern Railway Company, and it was almost unanimously backed by the Yankton people. After considerable negotiation the two lines were merged, Sioux City was agreed upon as the eastern terminal, the Dakota Southern took over the Dakota & Northwestern, and its surveyed line and franchise, and the Dakota Southern line was built, reaching Yankton in the winter of 1872-3. Wicker, Meckling & Company of Chicago, were the builders, and Yankton County voted \$200,000 in bonds to aid its construction.

The only land grants given to aid the building of railroads in Dakota Territory was the munificent donation to the Northern Pacific, and the grant made, either by the State of Minnesota or by act of Congress to the Winona & St. Peter Railway Company of Minnesota, practically the same as the Chicago and Northwestern. Its line entered Dakota at Gary, in Deuel County, in 1871, and continued west to Lake Kampeska, near where the City of Watertown was built many years later. There was no demand for the railroad at the time, 1872, as the country was practically unsettled along its entire line, and the company did not equip and operate it till 1878; but the land grant was valuable and the road was built to secure it.

CHAPTER L

DAKOTA'S FIRST RAILROAD BUILT AT HOME

1871-72

THE DAKOTA SOUTHERN RAILROAD—ILLINOIS CENTRAL IN FAVOR—EXTRA SESSION OF LEGISLATURE IN 1871 WITH NAMES OF MEMBERS, AND NEW RAILROAD INCORPORATION LAW—LEMARS OBJECTIVE POINT—LEGISLATIVE PROCEEDINGS—GOVERNOR'S MESSAGE—EXTRA SESSION AUTHORIZED—LEGISLATURE ADJOURNS—AMAZING CONTRADICTION—THE SPECIAL SESSION "NOT AUTHORIZED"—RESOLVED TO HAVE CONGRESS VALIDATE THE LAW—YANKTON COUNTY VOTES \$200,000 RAILROAD BONDS—EFFORTS TO SELL THE BONDS FINALLY SUCCESSFUL—COMPANY FINALLY CONTRACTS FOR BUILDING THE LINE—WICKER, MECKLING & CO., CHICAGO, CONTRACTORS—CLAY COUNTY VOTES AGAINST BONDS—ELK POINT GIVES \$15,000.

THE DAKOTA SOUTHERN RAILROAD

The special charter given to the Dakota & Northwestern Railway Company in 1867 was the last of the special charters granted by the Territorial Legislature, Congress having passed an act in 1868, taking from the territories that authority. The Dakota & Northwestern charter was passed and approved January 11, 1867. It was a very liberal charter, and upon reflection, the succeeding Legislature, deeming it too liberal, passed a bill to amend the charter, which was vetoed by the governor. The action of the Legislature had, however, tended to create an injurious impression of the company in portions of the territory; but it continued its organization, and as will be seen by its report made to the Legislature in 1871, had transferred its franchise to an Iowa company which had fixed upon Sioux City as its eastern terminus, and the new company had made a profile survey of the line, located it from Sioux City to Yankton; and as required by its charter had graded one mile of its roadbed in Union County in the year 1869, at a cost of \$1,800. At this time, 1867, and for a few years later, Dakotans felt sanguine that Congress would be prevailed upon to make a donation of public lands to the territory to aid in building its first railways, and the Dakota & Northwestern and its successor, in Iowa, depended altogether upon such a grant for the success of their enterprise. There was a growing hostility in Congress to any further land grants to railroads, and as the years passed the prospect of Dakota railways receiving aid from that quarter grew more hopeless under repeated discouragement and defeat; while the transfer of the franchise of the Dakota & Northwestern to the Iowa company had created considerable prejudice against that corporation within the territory, and it was found difficult to combine the leading interests of a local nature in its favor. The Dakota & Northwestern Company, however, maintained its home organization and title, and held its annual meeting (which was its last) at Yankton, January 2, 1871, and elected its board of directors, to-wit: J. P. Kidder, Clay County; George Stickney, Union County; W. A. Burleigh, William Tripp, J. B. S. Todd, W. P. Lyman, and M. K. Armstrong, Yankton County. This board elected J. P. Kidder, president; William

Tripp, vice president; J. B. S. Todd, vice president; M. K. Armstrong, secretary; Nelson Miner, attorney; and George Stickney, chief engineer.

On the 17th of March following this annual meeting a number of citizens of Yankton met and organized a railway company under the title of the Dakota Southern Railway Company, and filed articles of incorporation at the same time. The incorporators were: J. M. Stone, J. Shaw Gregory, W. W. Brookings, J. R. Hanson, W. A. Burleigh, M. K. Armstrong, Charles F. Picotte, A. W. Burrows, E. D. Barker, S. V. Clevenger, A. P. Hammon, C. F. Harkins, E. P. Wilcox, G. W. Kingsbury, James S. Foster, C. E. Bramble, A. J. Faulk, J. B. S. Todd, Newton Edmunds, D. T. Bramble, C. H. McIntyre, J. R. Sanborn, Charles Eiseman, F. J. Dewitt, G. C. Moody, W. N. Collamer, B. R. McIntyre, Joel A. Potter, G. H. Wetmore, S. S. Buckwalter and M. U. Hoyt.

On the 25th of March following public notice was given of the opening of stock subscription books, as follows:

Notice is hereby given that pursuant to the time fixed in the articles of incorporation of the Dakota Southern Railway Company, and in accordance with a resolution of the incorporators thereof, books for subscription to the capital stock of said railroad company, will be opened at the office of said company, being J. R. Hanson's Land Office on Capital Street, in Yankton on the 25th, 26th, 27th, 28th and 29th days of April, A. D. 1871; at Vermillion on the 3d, 4th, 5th and 6th days of May, A. D. 1871; at Elk Point on the 9th, 10th and 11th days of May, 1871.

N. EDMUNDS,
C. M. MCINTYRE,
GEO. W. KINGSBURY,
For the Corporators.

YANKTON TO LEMARS

The articles of incorporation did not definitely fix the eastern terminus of the road, but left it to be located at any point between the mouth of the Big Sioux River and Rock River, Iowa, a tributary of the Big Sioux, which empties into the latter near the north line of Union County. This was done in order that the company might be free to locate the line to a connection with LeMars, or go to Sioux City, as might be determined later. LeMars was a prominent factor in the enterprise, and the following copy of a letter from the vice president of the Illinois Central Railroad Company shows the favorable sentiment of that organization toward the LeMars project in the earliest days of the enterprise:

Chicago, Ill., March 29, 1871

W. W. Brookings, Esq., Yankton, D. T.:

Dear Sir: I have received your favor of the 25th inst., addressed to Mr. Douglas, and am pleased to see that you are determined to help yourselves to a railway connection. By locating your line to LeMars you reduce your distance between Chicago and St. Paul and Yankton, some twenty-five miles under the distance via Sioux City, and by that location you would probably secure from this company, by a drawback on business from your line, material aid to meet your interest.

In the event you do not find a practicable route in a direct line between LeMars and the Big Sioux River, you may have to locate to Sioux City. At that point you would get the advantage of a direct line to Omaha and Kansas City, as well as the southwestern route to Chicago. I will lay this subject before our board, and be prepared at some future time to confer further with you as to the extent and manner in which our company can assist you.

With your road built to LeMars we could afford to do more in your aid than if built to Sioux City where the business would be somewhat divided.

Very truly yours,

JOHN NEWELL, V. P.

The above letter was read at a railroad meeting held in Yankton early in April, 1871.

At the time prescribed in the foregoing notice, the books of subscription to the capital stock of the company were opened at Yankton, and \$181,000 of the one million capital stock subscribed. These stockholders met at the company's office in Yankton, June 3d, following, and elected a board of directors composed as follows: J. R. Hanson, N. Edmunds, G. H. Wetmore, W. A. Burleigh, W. W.

Brookings, J. M. Stone, and M. K. Armstrong; and on the 5th following the organization was completed by the election, by the directors, of James M. Stone, president; Newton Edmunds, vice president; G. H. Wetmore, treasurer and superintendent; J. R. Hanson, secretary; M. K. Armstrong, chief engineer.

During the latter part of June, Superintendent Wetmore and Chief Engineer Armstrong made a trip along the proposed line from Yankton to Richland, on the Big Sioux River, Armstrong taking a number of observations with his surveying instruments. These gentlemen found a route that was unobjectionable, crossing four streams that would need bridges. The distance from Yankton to the Big Sioux at the crossing point was found to be forty-one miles. For a natural railroad bed of easy grades, it seemed to have been formed by nature. It will be observed from this reconnaissance survey that the Yankton parties at that time were working with the view of building the Dakota Southern to LeMars to a connection with the powerful Illinois Central and leave Sioux City out of consideration.

The business men of LeMars, Iowa, organized the LeMars & Sioux River Railroad Company, in April, 1871, and took steps for the active promotion of their enterprise, which their company declared to be "the construction of a railroad from LeMars west to some point on the Big Sioux River to connect with the Dakota Southern projected from Yankton to the Big Sioux." The officers of the LeMars company were B. O. Foster, president; John C. Wellover, secretary; and P. Kent, treasurer. The capital stock was fixed at \$1,000,000. On the 6th of May following a meeting was held at that place, when the president of the company was authorized to appoint a chief engineer and cause suitable surveys to be made of the contemplated route. John C. Flint was appointed right-of-way agent of the company and was authorized to secure the right-of-way as rapidly as the surveys indicated the route, and the agent was also authorized to solicit township aid on the line of the road. An installment of 1 per cent on the capital stock of the company was called payable on or before July 1st.

The citizens of LeMars were almost unanimous in support of the project, and willing to go to the extent of their financial ability to construct that portion of the line east of the Big Sioux. Representatives from LeMars, Messrs. J. C. Flint and B. O. Foster, visited Yankton and consulted with the Dakota Southern officials, and the parties agreed fully upon the importance of the line in promoting the prosperity of their respective localities, and it was agreed upon informally that the road should be constructed from Yankton to LeMars at the earliest day practicable. But contrary to the encouraging tone of the vice president's letter, already given, this project was not encouraged by the Illinois Central Company, which at that time was operating the Dubuque & Pacific to LeMars over leased property, and did not appear to look upon the Yankton extension as a move in their interest.

The Dakota Southern Company was the last one of the projected lines that had been organized at the capital of Dakota, beginning in 1867, nearly all of them having in view a terminus on the Missouri River at some point above Sioux City, and owing to its excellent natural steamboat landing and other advantages, Yankton appeared to be that favored point. In addition to the corporations formed within the territory, the McGregor & Western through Northern Iowa; the Southern Minnesota; the Yankton & Columbus, and the Dakota & Northwestern, were all projected toward the capital of the territory.

Sioux City received its first railroad gratis under the Union Pacific Railroad grant, from Missouri Valley, in 1867, and that point enjoyed much prosperity as a consequence of being the terminus, and found that its Dakota trade was one of the principal factors in contributing to its business growth; its influence was not therefore friendly to an extension of the railway into the territory; but it had observed the growing sentiment in favor of a road from LeMars through to Yankton, and rightly divining that such a line, backed by the Illinois Central, then the leading railroad corporation in the west, and already at LeMars, would prove

exceedingly detrimental to their business interests. As the LeMars connection was much preferred to Sioux City by the Yankton people, and there appeared to be, at that time, at least, an equal chance of securing the cooperation of the Illinois Central and the certainty of the unanimous and enthusiastic support of LeMars as well as the moral support of the settlers in the northern portion of Union County, peopled at the time, however, very sparsely; the Sioux City opposition to an extension from that place underwent a surprising modification, and in place of opposing, the influences there set to work, through their railroad interests, including the Sioux City & Pacific, to dissuade the Illinois Central from cooperating with LeMars. The Sioux City & Pacific was vitally interested in the matter, perceiving that the LeMars line would be a material and permanent detriment to its traffic. The result of this combination of influences coupled with Yankton's feverish haste to secure railway facilities as early as possible, and a further factor not remotely connected which was found in Yankton's dependence on the friendship of the leading men in both Clay and Union counties in its political as well as railroad ambitions, finally forced the Dakota Southern to unite at the Big Sioux River with a new project called the Sioux City & Pembina, which was designed to build from Sioux City to the Big Sioux River and there to unite with the Dakota Southern, and then to continue up the Sioux and furnish a railway to Canton and Sioux Falls and Pembina.

While these preliminary movements were in progress and the indications were encouraging, nothing definite had been accomplished toward securing the funds to build and equip the road. Considerable commotion had been excited, but that which had been actually accomplished was about all on paper.

While much encouragement had been given by Nebraska parties who wanted a line from Columbus on the Union Pacific to Yankton, also by the Chicago & Milwaukee Company which now owned the line west from McGregor, Iowa, and one or more construction companies had visited the territory, by their representatives, and looked the ground over, no arrangements had been made or seemed probable of being made on any basis that did not include a land grant or a substantial money bonus. It would have been an impossibility to have raised a bonus by private subscription of sufficient amount to have attracted the favorable attention of railway builders, and Congress was averse to making a grant of land to aid an enterprise in the southern part of the territory, though a magnificent donation had been made to the Northern Pacific in the northern portion; but that was looked upon as a national highway. There seemed to be but one way by which an attractive bonus could be raised and this was by an issue of territorial or county bonds; but here again there was no law under which such a donation could be voted and made or that would permit the issue of bonds, or validate them if issued. The Legislature had adjourned when this phase of the question came to be seriously considered and would not meet again for nearly two years.

DAKOTA LEGISLATURE IN EXTRA SESSION

Committees were again sent out to Chicago and other points to interview railway builders. As a rule these returned with tentative propositions to build and equip a road if sufficient inducement was given. This meant in every instance a bonus far beyond the resources of the Dakota Southern or any other local company; though one or two parties were found who suggested that they might favorably consider a proposition to accept territorial or county bonds as a bonus. This was the nearest to a definite proposition that could be obtained; but under what authority could the territory or any county issue a valid bond? The Legislature only could give such authority, and as this promised the only way to secure the sinews of railway construction, it was determined, in a council of the Dakota railroad "magnates," to prevail upon the governor to call an extra session of the Legislature for the purpose of enacting the necessary law. This step was decided upon with many misgivings as to the authority of the governor to convene the

Legislature in extra session. The organic act was appealed to by many who had never before had occasion to examine it. It was found to contain no provision for the exercise of such a power, nor was there any provision prohibiting it, which was a grain of comfort; and therefore, under all the circumstances it was deemed best to make the effort. Governor Burbank was absent from the territory and had been for a number of weeks, and his early return was not expected. Secretary Batchelder, who was acting governor, was therefore appealed to, and was persuaded with little difficulty to reconvene the legislative body, though he was aware that he had no funds to pay the expenses of an extra session. It was decided, however, to "pass around the hat" to defray this item. Accordingly we find the following proclamation from his excellency, the acting governor, issued as per date given:

Yankton, D. T., March 30, 1871.

His Excellency, George A. Batchelder, Secretary and Acting Governor of Dakota Territory:

Sir: We, the undersigned, a committee appointed for the purpose at a meeting of the citizens of Yankton and vicinity would especially request that you call an extra session of the Legislature of the territory at an early day, for the purpose of considering the propriety of passing an act to authorize the people of the several counties to issue bonds to aid in the construction of railroads and for other purposes.

Signed by Newton Edmunds, S. L. Spink, J. M. Stone, W. W. Brookings, J. Shaw Gregory, Geo. W. Kingsbury, committee.

Readily responding to the request of these petitioners, Acting Governor Batchelder issued a proclamation convening the Legislature in words following:

Whereas, an emergency having arisen which, in my opinion, demands the consideration of the Legislature of this territory; and

Whereas, The above request of a committee of citizens meets the expressed wishes of the people of this territory that some immediate action shall be taken to provide the territory with railroad facilities and communication—

Now, therefore, the Legislative Assembly of the territory will assemble at the Capital Halls, Yankton, on Tuesday, the 18th day of April, 1871, at 12 o'clock, noon, to consider what legislation, if any, is necessary on this subject.

GEO. A. BATCHELDER,
Secretary and Acting Governor, Dakota Territory.

In obedience to this proclamation, the Legislative Assembly convened on the said Tuesday, at 12 o'clock noon, April 18, 1871, Governor Burbank in the meantime having returned. The following named members of each House were present:

COUNCIL MEMBERS

First District, Union, Lincoln, Minnehaha and Brookings counties—J. C. Kennedy, Emory Morris and W. M. Cuppett. Second District, Clay County—J. W. Turner, Nelson Miner, Silas W. Kidder. Third District, Yankton County—James M. Stone, C. H. McIntyre, Jacob Brauch. Fourth District, Bon Homme County—Hugh Fraley.

HOUSE MEMBERS

Minnehaha County—Charles Allen, O. B. Iverson. Lincoln County—H. A. Jerauld. Union County—S. L. Parker, S. C. Sinclair. Clay County—F. J. Cross, A. J. Mills, R. Mostow, Ames F. Shaw, Philip Sherman. Yankton County—George H. Hand, A. P. Hammond, Eph. Miner, N. Learned, Ole Sampson. Pembina County—John Hancock.

The presiding officers and clerks were the same as those who had served in such capacities at the last regular session. After the two Houses had disposed of the necessary preliminary exercises, the following message was received from the governor:

Gentlemen of the Council and House of Representatives:

You have assembled in extra session under the proclamation of the honorable secretary, and at the time acting governor of the territory, dated the 30th of March. On my return to the territory on the 1st instant, I found questions raised in regard to the legality of the proposed session, and with the view of obtaining the opinion of the proper authority of the United States, I addressed a letter to the attorney general on the 3d instant, enclosing a copy of the proclamation and reciting the time of holding and the length of the regular session recently closed; and asking whether or not authority existed for holding the special session as proposed. In response to this, I have this day received the following telegram:

April 18, 1871; by Telegraph from Washington.

To John A. Burbank, Governor of Dakota, Yankton, D. T.:

The attorney general is of opinion that the special session is authorized.

Signed, HAMILTON FISH, Secretary of State.

The object for which the special session is called is set forth in the proclamation. Believing that, as you are fresh from your constituents, and have not only the ability but the disposition to fully represent their wishes in regard to the matter proposed, I forbear making any recommendation on the subject, beyond the suggestion that you should, while you consider the wants of the territory, also remember that the ability of our constituents to bear heavy burdens is at this time by no means great, and that it would be a great misfortune to check or hamper our present vigorous growth by assuming responsibilities which may not readily be met. In any event, I trust no attempt will be made to bind the residents of the territory to any particular scheme for aiding private corporations, without giving them an opportunity to be heard directly upon the question.

JOHN A. BURBANK, Governor.

It will not be claimed that the purpose of this extra session was unanimously approved by the voters of the territory. There was quite a numerous element in Union and Clay counties opposed to any issue of bonds to aid railroads. At Elk Point, Union County, a well attended public meeting was held on the 8th of April, at which Emory Morris participated. D. M. Mills was chairman, and J. A. Wallace, secretary. After a long discussion of the object of the extra session, a committee composed of George Stickney, J. A. Wallace, H. W. McNiel, Cyrell Montague, and William Olmstead reported the following resolution which was adopted without a dissenting vote:

Resolved, That the members of the Legislature from Union County be and are hereby instructed to oppose with all their influence and votes all acts and measures which may be brought forward in the extra session of the Legislature to be convened on the 15th instant, tending in any wise to induce the County of Union to lend aid in its corporate capacity for the construction of any railroad whatever.

Notwithstanding this declaration there was a very strong financial element at Elk Point that was willing to support an issue of bonds. A numerous body of Clay County people were not in favor of issuing bonds but were willing to help remove all lawful obstacles that would hinder other counties from using their corporate credit. It was apparent that the farming element and some politicians opposed the issue of bonds to aid in obtaining a railroad, while the inhabitants of the towns were in favor of it. A similar sentiment was prevalent in Yankton County as the sequel proved. After deliberating for three days the extra session of the Legislature passed a bill entitled:

An act to enable organized counties and townships to vote aid to any railroad, and to provide for the payment of the same, which was approved by the Governor, April 21, 1871. Be it enacted by the Legislative Assembly of the Territory of Dakota:

Section 1. Whenever one hundred of the qualified voters, or a number equal to one-third of the voters, as indicated by the last general election, of any county or township in the territory, shall petition in writing, the board of county commissioners of such county, or the board of county commissioners of any county in which such township or townships may lie, to submit to the qualified voters of such county or township, a proposition to extend aid, either by donation, loan of credit, or subscription to capital stock of said railroad company, in the name of such county or township, to any railroad proposed to be constructed into or through such county or township, and shall in such petition designate the railroad company and the amount and kind of aid proposed to be given or extended, and the mode and terms of payment of the same, together with the conditions of such aid, it shall be the duty of the county commissioners to cause an election to be held of the qualified voters of such county or townships, to determine whether such aid shall be given or extended.

Sec. 2. The board of county commissioners shall make an order for the holding of the election contemplated in the preceding section, and specify the amount of bonds proposed to be issued either as a donation or in payment or subscription to the capital stock of such railroad company, the mode and terms of payment, the interest, if any; the extent of time said bonds shall run, the name of the railroad company, and all conditions pertaining to such proposed aid as may be named in such petition, the day of election, and shall also prescribe the form of the ballots to be used at such election for and against such aid; provided, that in case such bonds are taken in exchange for capital stock in such railroad, such bonds shall be taken at par, nor shall any such bonds be negotiated at less than 90 cents on the dollar either by such townships or counties, or by the said railroad companies; provided, further, that such bonds shall not be issued by the county commissioners or delivered to such railroad companies until said railroad is completed and in running order through said such county or township voting aid as aforesaid, or such assurances given that such railroad will be so completed as the county or township voting aid shall require; provided, the bonds shall not be given to any railroad company or individuals except in payment for the grading, tying, building or other necessary work for such railroad and then such an amount may be given as will cover the cost of the work performed, the time of holding the next general election, after work performed.

Sec. 3. If the time of holding the next general election, after the date of making the order in the last section provided, shall not be more than sixty days, the said election provided for in the two preceding sections shall be held on the day of said next general election, and notice shall thereof be given and the election held, and returns thereof made, and the result ascertained and proclaimed as provided by law for general elections.

Sec. 4. If the next general election is more than sixty days from the reception of such petition, then the board of county commissioners shall order a special election to be held within forty days, and make an order for the same, specifying in the order the preceding sections, and also specifying in the order how notice shall be given, which shall be by publication in some newspaper, if there be one published in the county or township, and also by a copy of the order posted up in three public places in each election precinct in the county or township twenty days before said election. In all other respects the said election shall be held, the returns thereof made, and the result ascertained and proclaimed as provided by law for general elections. And it shall be the duty of the clerk of the board of county commissioners, upon the reception of such petition, to call a special meeting of said board within five days.

Sec. 5. If the majority of electors voting at such election vote for the issue of bonds, the board of county commissioners shall cause such bonds as may be required by the terms of said vote, to be issued and delivered in accordance with section second of this act, in the name of such county or township, to be signed by the chairman of the board of county commissioners and attested by the register of deeds under the seal of the county.

Sec. 6. Whenever any bonds shall be issued in pursuance of the foregoing provisions, it shall be the duty of the board of county commissioners annually to proceed to levy and collect a tax on all the taxable property in the county or township voting such tax, sufficient to pay the interest on said bonds; provided, that not more than 2 per cent of the assessed valuation of the property in any county or township, shall be raised in any one year under the provisions of this law, either for the payment of interest or bonds.

Sec. 7. Said bonds shall not be made payable in less than ten years, neither shall they run more than twenty years, and after the expiration of five years from the date of issue, a sinking fund shall be provided which will redeem said bonds at maturity.

Sec. 8. Such tax as is provided in the foregoing section shall be collected in cash or the coupons of such bonds which may be due and such tax shall be collected as county taxes are collected, and paid out by the treasurer on presentation of the coupons or bonds when due, and all county officers acting under the provisions of this act, shall be entitled to the same fees as are allowed by law for similar services, and liable to the same fines and penalties for noncompliance. Before the treasurer, or any officer now, or who may be hereafter, authorized by this act, shall proceed to collect the taxes levied under this act or any portion thereof, he shall give a bond to the county commissioners in double the amount to be collected, for the faithful discharge of his duties; and any officer loaning, using, or failing to pay over any portion of the money collected under the provisions of this act, shall be guilty of a misdemeanor, and on conviction thereof shall be imprisoned in the penitentiary not less than three and not more than ten years.

Sec. 9. If any county or township tax shall be assessed and collected from any railroad which may have been built in whole or in any part in any town or county which may have subscribed stock as provided in the foregoing sections, all such county or township tax arising from said railroad within said county or township, shall be set apart and held by the treasurer for the benefit of such county or township, and applied to the payment of the interest and principal of said bonds.

Sec. 10. Whenever any sum of the foregoing taxes, collected for interest or sinking fund, shall remain in the hands of the treasurer after paying all the interest due, if any, the board of county commissioners shall cause the treasurer to buy up the bonds at their market value, not exceeding par.

Sec. 11. This act shall take effect and be in force from and after its passage and approval by the governor.

JOHN A. BURBANK, Governor.

Approved, April 21, 1871.

This act had been drawn by a committee consisting of Judge W. W. Brookings, Bartlett Tripp, S. L. Spink, Judge Ara Bartlett, Col. G. C. Moody and Geo. P. Waldron, who had been appointed for that purpose at a railroad meeting held in Yankton prior to the convening of the extra session.

EXTRA SESSION NOT AUTHORIZED

Something in the nature of consternation was created on the fourth day of this extra session by the reception of a corrected telegram, which read:

Washington, D. C., April 18, 1871.

John A. Burbank, Governor of Dakota:

The attorney general is of opinion that the extra session is unauthorized.

HAMILTON FISH, Secretary of State

The first two letters of the word "unauthorized" had been omitted in the first dispatch. The Legislature had finished its business, however, passed a railroad subsidy enabling act, and was on the point of final adjournment when this corrected message came. It was at first conjectured that the first dispatch had been "doctored," after it reached Yankton, and some mild indignation was expressed by some of the outside members based on exparte evidence supported largely by suspicion only. It was well known that the railroad sentiment at Yankton was so earnest and general that a community less controlled by the moral code might have been unable to resist the temptation to behead the vital syllable in the attorney general's opinion. It may have been Yankton's proverbial good character that postponed the crystallization of an unfavorable public opinion, until the atrocity could be investigated. This the telegraph people set about doing, and were able to trace the first dispatch from Washington to Omaha, as it had been sent by the secretary of state, Fish. The next telegraph station after leaving Omaha was Missouri Valley, and here the message appeared shorn of its brief negative syllable. The files of that office disclosed that it was received "authorized." Either Omaha omitted that important prefix, or it went astray in the course of transmission. What had been done, however, could not then be undone. The railroad bill had been passed, and after a full and free ventilation of legislative opinion, in which the unknown parties to the outrage were subjected to a severe reprimand, while some consolation was derived from knowing that the guilty party was not a Dakotan, there was a return to calmness and deliberation, and it was finally concluded to pass a memorial to Congress requesting that body to legalize the unauthorized session and its proceedings, which it was presumed Congress would readily do when the facts stated in the memorial were laid before that body.

Leaving the work of the extra session in this condition, the unauthorized body adjourned late in the evening of Friday, the 21st, which occasion was mildly and good naturedly celebrated. The Yankton legislators and citizens joined with the visiting members in deploring the outrage committed by the unknown telegraph operator, but there was so little body to their expressions of regret, that they were accused of shedding "crocodile tears."

The promoters of the railway were now supplied with a law of questionable legality under which an election could be held and county or township bonds voted to aid in the building of a road; but notwithstanding this handicap of illegality, it was determined by the Dakota Southern Company to make an effort to secure the construction of the road with such aid as might be voted and with the probable favorable action of Congress in curing, by a special enactment, the disabilities of the territorial law. Influences had already been set at work to induce Congress to take such action, with the promise of a favorable result. In the meantime a committee consisting of Dr. W. A. Burleigh and Major Jas. M. Stone was dispatched to eastern railroad centers for the purpose of enlisted capital in the enterprise, which was looked upon at home as an investment that promised profitable returns independent of any aid granted in county bonds. This com-

mittee visited Chicago, New York, Philadelphia, Boston and Washington, interviewed a number of substantial railway building companies, and returned to Yankton early in August following. A public meeting was then held and a report made which stated that parties had been found who would build and operate the road, but demanded a substantial subsidy from the territory in the shape of county bonds, and the report advised the holding of an election under the new law passed by the unauthorized special session of the Legislature, and the voting of \$200,000 of Yankton County bonds, to be used, if necessary, to secure the early construction of the road.

Judge Brookings subsequently stated that he was in favor of making the donation of bonds \$150,000, and was satisfied the same results could have been secured, but he was overruled.

The fact that the territorial law was passed under circumstances that rendered its legality doubtful was not considered a fatal objection, it being confidently expected that Congress, at the approaching session, would enact a law validating the railroad bond bill. It was also confidently expected that both Clay and Union counties would take action in line with Yankton County.

VOTING COUNTY BONDS

A committee was selected at this meeting to prepare, circulate and present a petition to the Board of Commissioners of Yankton County requesting that body to call an election, as the law provided, for the purpose of voting upon the proposition to issue the \$200,000 of county bonds. The petition was duly prepared and signed by the following named citizens:

W. W. Brookings	C. G. Holquist	A. C. Brownson
O. Wertare	Geo. D. Matthisen	L. Congleton
G. W. Kingsbury	P. Cunningham	M. Grady
L. H. Litchfield	S. L. Spink	J. L. Kelly
H. C. Ash	Ole Oleson	George Herrick
D. T. Bramble	H. H. Smith	Benj. Hays
Nelson Learned	M. J. Brisbine	J. W. Albright, Jr.
Emory Guild	A. K. Marvin	Arthur Linn
J. Arp	J. G. Edgar	N. Learned
U. B. Robertson	G. H. Galbreath	H. B. Wynn
Geo. H. Bell	H. McCumber	Z. Richey
Mujer Siegler	A. F. Wood	A. J. Sweetser
Wm. Tripp	T. A. Kingsbury	J. Gray
O. H. Carney	W. M. Boomer	Adler & Ohlman
G. A. Batchelder	E. C. Dudley	S. P. Rees
T. A. McLeese	N. J. Cattell	M. M. Matthiesen
H. C. Burr	Henry Herd	J. W. Wheelock
C. E. Bramble	C. J. B. Harris	Samuel Vance
W. Osborn	C. F. Rossteuscher	W. Fawcett
Wm. Bordino,	M. Schoening	D. E. Brownson
J. D. Flick	Thos. Fishbeck	W. T. Carther
T. J. Aalseth	John S. Horst	Ole Halverson
James Comer	G. H. Wetmore	Wm. Carens
E. Herrick	E. P. Wilcox	Bartlett Tripp
Frank V. Peterka	Silas Burton	Richard M. Loehber
J. M. Stone	Geo. H. Miner	B. M. Semple
Thos. Royster	R. A. Ketchum	Sam'l H. Morrow
Chas. B. Wing	Even Seggaard	J. Ingwerson
John Lawrence	G. Johnson	Stephen Flick
P. Cavalier	John F. Lenger	R. Dawson
L. M. Purdy	Mark M. Parmer	L. M. Griffith
A. McLean, T. A.	P. C. Waldron	Wm. Leeper
J. B. S. Todd	H. E. Cook	C. Van Epps
I. J. Baumann	John McGuire	W. P. Lyman
George Pike, Jr.	J. L. Dunlap	M. Hoyt
P. T. Rodgers	T. W. Brisbine	John J. Duffack
L. Biermever	D. E. Hinman	James Rogers
John Otteson	L. A. Carey	Henry H. Nichols
C. C. Brookings	F. M. Ziebach	I. Riddell

John Spring
Frank Bem
Wm. Miner
M. H. Ruch
J. T. Lovett

Walter H. Carr
A. A. Nichols
Wm. Bause
John Killilay
W. E. Babcock

N. Learned
S. S. Buckwalter
Frank Peterka
P. K. Faulk

In accordance with the petition the county commissioners met on the 7th day of August, and issued a call for a special election, as follows:

Whereas, more than sixty days intervenes between the filing of the petition and the next general election; now, therefore, be it

Resolved by the said board of commissioners of Yankton County, that a special election shall be, and is hereby ordered, to be held in said Yankton County, on Saturday, the 2d day of September, A. D. 1871, at which the question of donating aid to the said Dakota Southern Railroad Company to the amount of \$200,000 in the bonds of said Yankton County, to run twenty years, bearing interest at the rate of 8 per cent per annum, said interest to be paid semi-annually in the City of New York, and the said principal also payable in the City of New York. Said bonds shall not be given or donated to said railroad company, except in payment for the grading, tying, building, or other necessary work, on the said railroad, to be built by the said company; and that said bonds shall only be given or donated in payment for work actually performed on said railroad, and shall in no case be delivered faster than work on said railroad progresses; and provided that said bonds shall not be issued by the said county commissioners or delivered to said railroad company until said railroad is completed and in running order to and within the present limits of the City of Yankton, or such assurances (security) given that said railroad will be so completed as said Yankton County shall require.

Resolved, That the ballots at such special election shall have printed or written thereon—"Aid to the Dakota Southern Railroad Company, Yes" or "Aid to the Dakota Southern Railroad Company, No;" and the voting places for such election shall be the same as designated for the general election to be held in October, and the judges for such general election shall act as judges of the special election hereby ordered.

At the election, which was duly held as ordered, there was not a full vote, the total number cast being 668, while the vote of the county was very close to 1,000. The vote at the various precincts was as follows:

No.	Name	Yes	No
1.	Haggins's Bend	1	32
2.	Bagstad's	23	26
3.	Yankton	493	59
4.	Zeiner & Zinc	52	4
5.	Hughes	3	5
Total		542	126

The vote indicates that in the rural precincts there was a hostility to a bond subsidy. The farmers, though favoring the road which would greatly benefit them, held that the city would reap the largest benefit from it and ought to foot the bills. While this disposition was quite general among the rural populations, it was clearly apparent that they realized the advantages that would accrue as a result of success in bringing railway facilities to them. They thereafter disclosed greater energy in their farming operations, doubled their cultivated area, opened up and improved new roadways, improved their farm homes and buildings, established more schools, and manifested a most commendable public spirit in many ways. It must have been that they had been convinced that the railways would come just as certainly and as early without their assistance, therefore why should they extend donations?

CONTRACT TO BUILD THE DAKOTA SOUTHERN

The next step of prime importance was to find some company of railway builders who would build the road for the bonds. How would bonds issued with such a questionable paternity look to the unsympathetic worldly-minded people who made a business of constructing railways, when asked to receive them in exchange for a million dollar railway? This was considered more difficult to solve.

tion than any problem that had yet been confronted and disentangled, but it was not so serious as to deter the sanguine spirits that controlled the Dakota Southern Company from making a most determined effort and another embassy was sent forth for the purpose of enlisting the cooperation of some parties who would be willing to build and operate the railroad in consideration of the county bonds voted to the Dakota Southern corporation by Yankton County.

In August, 1871, Mr. Harry Hargis, of Chicago, visited Yankton, on a pleasure trip. He was one of the pioneer settlers of the Dakota country, employed for years by Major Gregory as clerk of the old Ponca Agency, and also at Yankton, and Gregory was now one of the incorporators of the Dakota Southern. Hargis was a good business man, and had been requested by a firm of railroad builders in Chicago, Messrs. Wicker, Meckling & Company, with whom he had long been acquainted, to inquire into the condition of our railroad affairs, and the sentiment of the people; and being well informed regarding the country through which the proposed road would pass, he was able to give a favorable report on his return to Chicago.

Mr. Hargis was followed, late in the same month, September, by Milton Weston, representing the firm of Wicker, Meckling & Co., who came prepared to make a preliminary agreement with the Dakota Southern Company, to build the road. Owing to the lack of certain data connected with the survey of the line, no agreement was reached, and the negotiations were adjourned to be resumed at Chicago a week later, to which point the Dakota Southern directors repaired, and shortly after during the early days of October, John Newell, president of the Illinois Central Railroad Company, and Mr. Tilton, a director, reached Yankton for the purpose of investigating the situation and the Dakota Southern directors returned with them. This party made a reconnaissance survey of the country west into Bon Homme county, piloted by Dr. Burleigh; and a visit was then made to Sioux City, where a meeting was held at which, in addition to the Illinois Central officials and those of the Dakota Southern, there were present Horace Williams, of the Sioux City & Pacific, and W. W. Walker, of the Sioux City & Pembina. At this meeting the proposition appears to have been first introduced to build the road from Yankton to Sioux City and abandon the LeMars line. But no definite agreement was made; there was, however, a harmonious understanding among the railroad interests there represented, favorable to the early construction of the Dakota Southern road—an understanding that included the promise of the companies to make advantageous traffic arrangements with the proposed new highway.

About this time, October 7th-8th, occurred the great Chicago fire, an event so disastrous that for the time being it paralyzed all branches of business, and especially railroad building. It was feared that its effects would be so serious as to cause a breaking off of negotiations for the construction of the Dakota Southern, but this did not follow, though they were delayed, and the beginning of actual work on the line, for which Dakotans were impatient, was postponed.

However, an arrangement for the construction of the line was concluded, and articles of agreement were entered into between the Dakota Southern Railroad Company and Wicker, Meckling & Co., on Tuesday, October 24, 1871, and are here appended:

1st. The parties to this contract are J. M. Stone, W. W. Brookings, D. T. Bramble, J. R. Hanson, Geo. H. Wetmore, W. A. Burleigh and M. K. Armstrong, directors of the Dakota Southern Railroad Company, of the first part, and J. H. Wicker, C. G. Wicker, J. S. Meckling and Milton Weston, of Chicago, as construction company, parties of the second part.

2d. The parties of the second part contract to build, construct and equip, for the Dakota Southern Railroad Company, a railroad from the City of Yankton, Dakota Territory, to Sioux City or LeMars, Iowa, as the said construction company shall select. All the grading and bridging of the road through Yankton County to be completed and ready for the iron before the 15th day of May, 1872, and the whole road to be completed and the cars running to the City of Yankton by the last day of December, 1872, which road, when completed, shall be in all respects, equal to any newly constructed road in the West.

3d. In consideration of the foregoing, the directors of the Dakota Southern Railroad Company agree to procure the right of way for said road through Yankton County free of cost to said construction company; also all necessary depot grounds and lands for side tracks, turnouts and connections with the steamboats and Government warehouses on the levee in the City of Yankton.

4th. The Dakota Southern Railroad Company further agree to immediately pass over to the said construction company, one-half of all the capital stock of said railroad company, amounting to \$750,000, and to give to said Wicket, Meckling & Co., the right to elect three of the seven directors constituting the board of said Dakota Southern Railroad Company.

5th. The directors of the Dakota Southern Railroad Company further agree that the \$200,000 in bonds voted by Yankton County to said railroad company, and all further county and township bonds that may hereafter be voted to the company along the line of said road, shall be issued at the earliest moment compatible with law, and deposited with the president of the Manufacturers National Bank, of Chicago, who shall act as trustee of such bonds, and shall pay out the same only upon the certificate of the chief engineer, and approved by the executive board of the Dakota Southern Railroad Company, to be used for construction purposes and purchase of material only.

6th. The Dakota Southern Railroad Company further agree to deliver to the construction company aforesaid, the first mortgage bond upon the Dakota Southern Railroad, in amount not exceeding twenty thousand dollars per mile, bearing 8 per cent semi-annual interest, and running not less than twenty years, whenever the process of construction shall require.

7th. The active management of all matters pertaining to the constructing shall be under the control of and superintendence of the constructing party aforesaid, and all donations of whatever character which may be subscribed or obtained for the benefit of said road, shall be passed over to the hands of said construction company.

8th. It is further and finally agreed that during the construction of said road, the books of the Dakota Southern Railroad Company shall be open at all times to the inspection of each member of the construction company aforesaid.

The agreement was regarded as extremely liberal on the part of the Dakota Southern Company, but inasmuch as it seemed to give assurance of the early construction of the long-desired commercial highway that was to connect the capital of Dakota with the outside world, and bring to Yankton the fleets of steamboats that were then making Sioux City their base of operations, there was no unfriendly voice raised against it.

On the 1st of November the stockholders of the Dakota Southern representing about one hundred and eighty eight thousand dollars of the capital stock met and elected a new board of directors consisting of J. S. Meckling, Milton Weston, J. R. Hanson, J. M. Stone, W. W. Brookings, G. H. Wetmore and D. T. Bramble, who were elected by ballot. The stockholders participating and the number of votes cast by each were thus given:

J. S. Meckling, 13,901 votes; Milton Weston, 13,835; J. R. Hanson, 14,000; J. M. Stone, 6,435; W. W. Brookings, 6,435; Geo. H. Wetmore, 6,435; D. T. Bramble, 4,532; W. A. Everleigh, 1,803; Geo. N. Propper, 125; Geo. W. Kingsbury, 100. M. K. Armstrong and William Miner were present as stockholders, but did not vote. The directors so chosen as stated above elected the following officers: W. W. Brookings, president; D. T. Bramble, vice president; G. H. Wetmore, treasurer; J. R. Hanson, secretary; Milton Weston, superintendent; Chas. W. Allendorph, chief engineer.

DAKOTA SOUTHERN ABSORBS THE NORTHWESTERN

The Board of County Commissioners of Yankton County at that time was made up of Charles Eisman, George Hoffman and John J. Thompson, with Eric Iverson, clerk, and this board was heartily cooperating with the railroad enterprises. There does not appear to have been a day's delay in starting the preliminary work of construction. During November surveys were made, and the line located, but only partially on the old survey of the Dakota & Northwestern, which had been or was about to be merged with the Dakota Southern; and the contracts for the bridges over the James, Vermillion and Big Sioux were let and arrangements were made for the furnishing of 180,000 ties, the number required for the entire line, with various parties owning timber tracts along the Missouri, before the close of the year.

A railroad bond election was held in Clay County on the 11th of November, 1871, for the purpose of voting aid to the Dakota & Northwestern road; the intention being to merge that corporation with the Dakota Southern, and as the former company was supposed to have more supporters, for local reasons, in Clay County than the Dakota Southern, which was a Yankton enterprise, it was deemed best to submit the question of aid to the road that could poll the most votes, but the proposition was defeated by a heavy majority. The question was taken on donating \$60,000 to the railroad. There were five voting precincts in the county, and the election was held on the same day as the regular election. The following gives the vote at each precinct:

	Yes	No
First Precinct	122	201
Second Precinct	1	38
Third Precinct	4	135
Fourth Precinct	15	77
Fifth Precinct	26	150
Total	168	601

Following this election and in order to secure harmony among the leading men of the Missouri slope on railroad matters within Dakota, there was a change in the directory of the Dakota Southern in December, 1871. J. S. Meckling and J. R. Hanson resigned and Walter A. Burleigh and Jefferson P. Kidder were elected in their stead. The Dakota Southern effected a perpetual lease of the franchises of the Dakota & Northwestern. The two last named directors represented the leased corporation. It was doubtless intended that the eastern connection of the leased company should be at Sioux City, though that had not been definitely settled. But by uniting the two corporations which were working practically for the same purpose, harmony among the interests to be affected was secured, and this united sentiment and interest was expected to bring Clay and Union counties to the substantial support of the enterprise. Mr. Burleigh had been closely identified with the Dakota & Northwestern from its inception, and had also contributed liberally of his time and money to secure the construction of the Dakota Southern, and besides this he was regarded as one of the strongest factors in the territory in the promotion and success of any public enterprise.

The proposition of a citizens' meeting held at Elk Point to vote a direct tax of $2\frac{1}{2}$ per cent on the taxable property of Elk Point Township for the term of three years, to be donated toward the building of the Dakota Southern Railroad, was not endorsed by the people of the township outside the village. There was a divided sentiment in the town and throughout the county, and many heated arguments grew out of the zeal with which each party advocated its view of the matter. A number of Elk Point business men threatened to remove to Richland, five miles north, unless the people of the Point would vote to secure the location of a depot at that place. Among the removers were C. M. Northrup, E. S. Northrup, H. H. Blair, J. M. Talcott, J. Talcott, C. W. Beggs, E. W. Miller, J. A. Wallace, C. H. Freeman, Charles Mallahan, D. W. C. Smith and Alex Hughes, all leading citizens. It was finally determined at this meeting to ascertain the sentiment of the people of the township on the matter of voting aid under the new territorial law. A petition was circulated and signed as the law provided, and 130 names out of a total of 180 names of voters in the township secured. This looked very promising to the friends of affirmative action, as the vote of the township at the last election was 180, and over three-fourths that number had signed the petition. The petition was presented to the board of county commissioners and that body was requested to call an election. This the chairman of the board refused to do, claiming, it was understood, that many of the signers were not voters. The matter was appealed to Judge Kidder, of that judicial district, who, desiring to induce the official to act without resorting to legal measures, sent him an advisory letter, counselling the calling of the election

as the law required. But the recalcitrant official was not to be influenced by friendly counsel, and would not consent to issue the call for the election unless compelled thereto by a writ of mandamus, which the judge finally issued. The election was called and held on the 1st of May, 1872. The question submitted was: "Shall the Township of Elk Point donate \$15,000 in bonds to run ten years and draw interest at the rate of 10 per cent?" The election resulted in favor of the proposition by a majority of fifty-two.

Our local railway builders had now progressed so far that they had secured an unauthorized session of the Legislature, which passed a railroad law authorizing the issue of county and township bonds, and Yankton County and Elk Point Township, acting under that law, had voted \$200,000 in county bonds and \$15,000 in township bonds, for the purpose of building the Dakota Southern Railway from Yankton to some point on the Big Sioux River south of the mouth of Rock River, Iowa. This point had not been definitely located. Up to about this time the company had not definitely decided whether to unite its road with the Sioux City or LeMars interest, though the vote at Elk Point would indicate that Sioux City would be favored, which was the case. There was no sentiment supporting LeMars except at that point and at Yankton. The outside railroad interests, all of which were centered at Sioux City, and the Dakota Southern Construction Company, had concluded that Sioux City offered the best facilities to the Dakota enterprise; and accordingly the Sioux City and Pembina Railway Company was incorporated to build a line from that point to the Big Sioux River where it would form a junction with the Dakota Southern and would be leased and operated by that company. The Sioux City and Pembina was further projected to a point on the Big Sioux called Portlandville, about twenty-five miles from its initial point.

CHAPTER LI

BUILDING THE DAKOTA SOUTHERN

1872-73

CONSTRUCTING THE DAKOTA SOUTHERN RAILROAD—LEMARS NO LONGER CONSIDERED—RAILROAD COMPANY PROVIDES FOR BONDING THE ROAD—YANKTON COUNTY OPPOSED TO THIS—BUILDING THE ROAD IN 1872—COMPLETED IN FEBRUARY, 1873—EXCURSION AND NAMES OF EXCURSIONISTS—UNITED STATES JUDGES BARNES AND SHANNON COME IN—JUDGES FRENCH AND BROOKINGS RETIRED—COURT ISSUES A BOND-RESTRAINING ORDER—DILATORY PROCEEDINGS—THE MCCOOK TRAGEDY REFERRED TO—JUDGE BARNES GRANTS CHANGE OF VENUE TO CLAY COUNTY—PARTIES THEN AGREE TO AN AMICABLE SETTLEMENT—THE INDICTMENT AGAINST WINTERMUTH—ACTING GOVERNOR REASSIGNS JUDGES.

The survey and location of the Dakota Southern had already been made by the Dakota & Northwestern in 1868, and this company having been merged with the new organization, its survey was largely adopted, and grading began at Yankton just east of the Rhine Creek, on the 24th day of June, 1872; Hanson & McIntyre being the sub-contractors for a section reaching to the James River; the section east of the James extending to the Clay County line was graded by Maj. J. M. Stone, and east of that point to Vermillion by Messrs. Morgan & Gilfillan. While the country between the James and Vermillion rivers through which this railway passed is an unbroken level of the Missouri bottom, it was found necessary to construct five pile bridges along this stretch of railway, in order to cross running streams that were supposed to have their source in the overflow of Clay Creek. This section of country is now drained by a permanent canal dug through the bottom and having its outlet in the Vermillion River.

On the 5th of June, 1872, the directory of the Dakota Southern Company held a meeting and adopted resolutions declaring its purpose to issue \$1,200,000 of first mortgage bonds secured by a mortgage on the railway as it will be when completed and in operation. The resolutions are given below:

Whereas, It is advisable to raise money by the sale of bonds secured by a deed of trust in the usual form, and to that end to divide the road of the company into divisions; therefore be it

Resolved, That the railroad of the company now being constructed at a point from or near Sioux City in the State of Iowa, to the City of Yankton, in the Territory of Dakota, shall be, and constitute the first division of the railroad of this company, and that an amount of money not exceeding twelve hundred thousand dollars be borrowed upon the said first division, to aid in its construction and equipment, and that the bonds of the company therefor, to the said amount, be executed and issued for the same, under the seal of the company, and signed on its behalf by its president and attested by its secretary, in sums of \$1,000 each, and bearing date July 1, 1872, and having twenty years to run to maturity, and bearing interest at the rate of 8 per cent per annum, free of Government tax, and payable semi-annually on the first days of January and July in each year, at the office of the Farmers Loan and Trust Company, of New York, in the State of New York, where both the principal and interest shall be made payable, all of which bonds shall bear the same date, and shall stand equally secured by the deed of trust, to be executed to secure them, and shall be duly stamped, and shall be numbered from number one (1) to number twelve hundred (1,200), all of which bonds to be authenticated by a certificate signed by the trustee aforesaid; and also that a deed of trust, in the usual form, be executed to the said Farmers Loan and Trust Company, as trustee therein, under the seal of the company, and signed by its president and attested by its secretary, by which shall be conveyed to said trustee in trust to secure the payment of the principal and interest of said bonds, all the present and future to be acquired property of the

company in, and relating to the said first division of said railroad, and all its right, title, interest and equity of redemption therein, that is to say, all the railroad of said company now made and to be constructed, extending from, at or near Sioux City to said City of Yankton, including the right of way therefor, roadbed, superstructure, iron, ties, chairs, spikes, bolts, nuts, splices, and all the depot grounds, station houses, depots, viaducts, bridges, timber and materials, property, and property purchased or to be purchased, for the construction of the first division of said railroad, and all the engines, tenders, cars, and machinery, and all kinds of rolling stock now owned, or to be hereafter purchased by said company for, and to be used upon said first division of said railroad, and all the franchises and rights of said company relating thereto, and property acquired by virtue thereof now in possession, or hereafter to be acquired, including machine shops, tools, implements and personal property used therein or along the line of said first division of said railroad, to be held in trust as aforesaid; and

Whereas, A printed form of deed of trust is now submitted, dated May 21, 1872, and is hereby adopted as the one to be executed as above provided for; therefore be it further

Resolved, That the same be executed in manner as aforesaid, and duly acknowledged and delivered to said trustee, as the deed above provided for, to secure the said bonds in manner and form as in said deed expressed.

This action of the railway company was regarded as premature by the principal stockholder, which was Yankton County, and the county, it appeared, had not been consulted in regard to it. At this time the work of construction had barely commenced, and though there was general confidence that the work would be pushed to completion as early as practicable, it was thought too early to anticipate its completion by such an important step, which under the circumstances would be regarded as exceedingly presumptuous on the part of the company, whose railway was in an embryonic condition, and gave to the project the appearance of a speculative scheme instead of a substantial industry and important improvement such as Dakota was vitally interested in. Under the law of Congress Yankton County's interest in the railroad or rather its connection with the corporation had been radically changed from the original plan of a donator of the \$200,000 of bonds voted, to that of a stockholder, the law requiring the railroad company to issue to the county \$200,000 of paid up stock in return for its bonds. This gave Yankton County the right to be heard in the official proceedings of the company, and also made it its duty to participate, the position of stockholder carrying with it certain responsibilities as well as rights. There was such manifest dissent to this mortgage proceeding that no further steps were taken to carry it into effect during the time occupied in the construction of the road, and in fact until some time after the road had been completed to Yankton and opened for traffic.

On the 12th of June, 1872, the County Commissioners of Yankton County executed and delivered to Wicker, Meckling & Co., the first \$100,000 of county-railroad bonds, requiring a bond of the construction company to secure the county against loss in case of failure on the part of the construction company to comply with its contract; James M. Stone, W. W. Brookings, J. R. Hanson and John J. Thompson became securities for the construction company.

In October, 1872, the railroad company applied for the remaining \$100,000 of Yankton County bonds, submitting, with its application, the following statement of the amounts it had already expended in the construction of the road. At this time the line was practically completed as far as Elk Point and work was being energetically pushed on the unfinished portion, with a strong probability, if favored by good weather, of reaching Yankton with the track by the first of January, 1873. The statement of expenditures follows:

Railroad ties	\$ 77,330
Twenty-two miles grading completed.....	22,000
Bridges and culverts	10,000
Right of way Sioux City to Elk Point	10,000
One engine and ten cars	15,000
Eighteen miles road completed	21,000
Four hundred tons iron delivered in territory	10,000
Total	\$ 165,330

The county board appears to have taken no action regarding the issue of bonds. The county attorney, O. B. Orton, filed a protest against a further issue at this time. The board, however, was not a unit on the proposition, and the difference must have been serious as it resulted in the tender of Commissioner Eiseman's resignation as a member, and the board adjourned, reconvening again on the 27th of November, when Commissioner Eiseman appeared as a member, and action was taken authorizing the issue of the second \$100,000 of county bonds; stipulating, however, that the bonds should be deposited in the First National Bank of Sioux City; the company to receive \$50,000 in case the road is completed to the Yankton County line by the 12th of December, and the remaining \$50,000 in case the road is completed to the City of Yankton, by the 1st of January, 1873. The company declined to receive the bonds with the stipulation regarding completion, alleging that the uncertainty of having suitable weather for track laying during the remainder of 1872 made it hazardous to agree to the stipulations. There was further investigation made by the county authorities, the differences amicably adjusted, and the bonds were delivered during December.

On September 14, 1872, the voters of Clay County voted upon the proposition to aid the Dakota Southern Railroad by a subscription to the capital stock amounting to \$30,000. The sentiment of the county was known to be strongly against the proposition, but the few friends of the plan who were made up of influential citizens and large taxpayers, prevailed upon the people to have a test vote. In the Bloomingdale Precinct there were 285 votes cast, and only two favored bonds, and in every precinct save Vermillion the vote was largely "No." The election was characterized by unusual bitterness against the proposition, the voters accompanying their negative votes by remarks indicating considerable feeling. The total vote in the county footed up 639; for bonds 168; and 471 against. It was supposed that every voter in the county cast a ballot.

There was finally an agreement made with Vermillion property owners under which the company was to locate a station at that point, in consideration of the citizens erecting a depot building to cost about four thousand dollars; procure the right-of-way through Clay County, and deed to the company 150 city lots.

The stockholders of the railroad company met at Yankton on the 12th of December, 1872, and elected a new board of directors, as follows:

C. G. Wicker, president; W. W. Brookings, vice president; J. S. Meckling, general superintendent; J. R. Hanson, secretary and treasurer; J. O. Rutter, L. M. Scudder, John A. Burbank, George B. Hoffman, county commissioner, representing Yankton County. Judge Kidder was tendered a place on the board, but peremptorily declined owing to the official position he occupied. Judge Brookings occupied a similar official position, and while he did not manifest the slightest disposition to use it in his official capacity as an officer of the road, the attitude of the judge of the First District was warmly approved by the people and aided materially in electing Mr. Kidder to Congress in 1874. Burbank, the governor, had also committed a grievous error in soliciting and accepting a place on the board. These proceedings aroused considerable discontent among the people, and greatly increased the unpopularity of Governor Burbank, who had not been very highly regarded.

The first Dakota Southern rail was laid at Sioux City, August 29, 1872. The line from Sioux City to the Big Sioux River was built by Wicker, Meckling & Co., under the organization incorporated under the laws of Iowa and entitled the Sioux City and Pembina Railroad.

The first locomotive to cross the Big Sioux River on the Dakota Southern Railroad was named the "Judge Brookings," which made the crossing safely on the 1st of October, 1872. The cars of the construction train reached Elk Point, October 23, 1872, and the road was opened for general traffic to that place November 13th, following. The daily stages that had been running to Sioux City connected with this train. The stages left Elk Point whenever the train arrived from Sioux City, and the train left for Sioux City whenever the daily stage

arrived from Yankton. The construction train reached Vermillion November 25, 1872, and the road was opened to general traffic to that place December 10th, following.

The Sioux City and Pembina Railroad, projected on the Iowa side of the Big Sioux River, formed the eastern end of the Dakota Southern Railroad in 1872, was graded along the eastern shore of the Big Sioux River as far north as the Plymouth County line, and a town established called Portlandville. The road was designed by its promoters and builders to run north up the Big Sioux Valley, to cross the Big Sioux at Canton, and continue on to Sioux Falls. The enterprise soon passed into the control of the Dakota Southern Company, which a few years later abandoned the Iowa line and made Elk Point the initial point of the Sioux Falls branch, as it is to this day.

The road was completed to Yankton on Saturday, January 25, 1873. The first locomotive to reach Yankton was named the "C. G. Wicker." It crossed the Rhine Creek the first time on Sunday, the 26th. Regular passenger trains to and from Sioux City to Yankton began running February 3, 1873.

DAKOTA SOUTHERN OPENED FOR TRAFFIC

The railroad was opened for traffic from Sioux City to Yankton early in February, 1873, and an excursion from Yankton to Sioux City took place on Thursday and Friday, February 13 and 14, 1873. The officers of the excursion train were Superintendent J. S. Meckling; General Freight and Ticket Agent Geo. E. Merchants; Engineer Jim Whitney; Fireman Dan Gordon; Brakeman R. E. Guthrie and E. L. Gregg. The train left Yankton at 11.30 A. M. the 13th, and returned at 3.30 P. M., Friday. It was agreed at the time among the excursionists that the names of all those participating in the journey should be enrolled and published as a memorial of the first excursion on a Dakota railroad, and the first railway to reach the Missouri River in the Territory of Dakota. The following are the names of the excursionists:

From Yankton: Mr. Ingwerson and wife, Miss Nellie Brookings, Mr. M. M. Matthiesen, W. W. Brookings and wife, S. McCook and wife, Miss Fannie Parmer, L. D. Parmer and wife, J. M. Washburn and wife, W. G. Press and wife, G. W. Kingsbury and wife, Fannie L. Kingsbury (now Mrs. Grigsby), D. T. Bramble and wife, G. H. Wetmore and wife, Miss Julia Davidson, Mrs. John A. Weeks, Dr. J. B. VanVelsor, Miss Fannie Todd, Clarence Van Tassel, C. H. McIntyre, Miss Hannah McIntyre, J. M. Stone and wife, L. M. Griffith and wife, Geo. N. Jenkins, M. Grady, Miss Rose Grady, J. R. Sanborn and wife, Mrs. John Treadway, J. G. Edgar, Miss Dix, F. C. Herring, Wm. Tobin, Joe Sanborn, Benj. Hays, Miss Lizzie Hays, Will Vance, Mrs. S. Vance, Justus Schnell, Henry Meyer, Jas. Henne, Peter Fox, John Hartert, Thos. Hughes, J. V. Norton, A. P. Hammon, Jerry Waldron, J. J. Duffack, O. H. Platt and wife, Wm. Pound and wife, D. S. Warren and wife, Ed Higbee, John Cunningham, S. V. Clevenger, Mrs. Thwing, J. R. Hanson, E. H. Van Antwerp, John Lawrence, Belle Stanley, Herman Fuller, Judge L. Congleton, John Carey, James Stanage, Hugo Riemer, Herbert W. Pike, Zina Richey, Francis Delancy, J. F. McNamara, Wm. Gemmill, Dr. Luke Lavery, M. P. Ohlman, Miss A. Rossteuscher, Albert Zemlicka, Theodore Schorregge, Wm. Leeper and wife, Judson LaMoure, Miss Belle Moore, Frank VanTassel, J. H. Burdick and wife, Geo. H. Hand and wife, Richard Dawson, Miss Josephine Dawson, Mrs. S. L. Spink, Miss Ada Cooley, Mrs. S. J. Morrow, Ole Sampson and wife, F. M. Ziebach, Alonzo Stone, George Stafford, Wm. Bause, O. H. Carney, John Cloudas, J. W. Albright, F. Dunlap, Frank Bronson, Louis Vele, Jas. Noonan, Lars Sampson, Chas. P. Edmunds, Emory R. Guild, C. A. Marshall and wife, G. A. Batchelder, Alex Daniels, Geo. W. Kimber, Geo. J. Foster, A. W. Howard, George Pike, L. M. Kee, J. C. Blanding, E. A. Edwards, J. W. Evans, John Kodlyik, F. A. Olney, Geo. Bronson, Alex Daniels, W. C. Brown, F. C. Hayward, Charley Spink, Irving Spink, Henry Heard, Henry Clay.

Band boys: J. M. Faust, leader; John Buchman, Fred Schnauber, Ed Iverson, S. D. Presba, Felix Vinatieri, Christ Lutz, John F. Lenger, Emile Roth, Joseph Tyrack.

Additional excursionists: L. D. F. Poore and H. E. Bonesteel, Springfield; L. D. Pettit, Walled Lake, Minnehaha County; M. Grigsby, Sioux Falls.

From Vermillion: Ole Bottolfson, Miles Russell and wife, G. B. Bigelow, H. P. Hanson, Capt. Nelson Miner, C. F. Rhodes and wife, Silas W. Kidder, C. F. Armington, Amos Shaw, T. R. Jewell and wife, B. F. Bellows, T. A. Robinson, Chas. H. True and wife, Jas. Leital, Judge J. P. Kidder, L. Lewison and wife, John L. Taytor, James McNamee, Samuel

Bird, Knute Larson, N. V. Ross, Miss Freddie Miner, Miss Eva Rhodes, Col. B. F. Campbell, W. W. Deming.

From Canton: G. W. Harlan, B. H. Miller, N. C. Nash, I. N. Menor, W. W. Fowler, J. B. Bertrand, Jr., W. S. Reynolds, George Kellen.

From Eden: Capt. A. B. Wheelock, J. A. Fowler, C. F. Ball.

John Smith, Lincoln; M. B. Kent, Liberty; J. L. Fisher, Lodi; Rev. T. L. Riggs, Fort Sully; A. Baker and wife, Mattoon, Turner County; George Washington Kellogg, McCook; John Holverson, Henry Oleson, St. Helena, Neb.

From Elk Point: E. W. Miller, J. H. Thorne, U. H. Akers, J. E. Millett, A. C. Freeman, J. S. Talcott, R. H. Miller, Michael Flynn, Charles Miller, J. A. Wallace, D. W. Hassen, G. O. Vaughn, M. Hoffman, R. S. Collins, J. H. Brown, B. O. Reandean, E. W. Laird, J. H. Shannard, E. B. Wixson, Alex. Hughes and wife, George Stickney and wife, Michael Curry and wife, John Gulwinski, John Coverdale, P. H. Sweeney, M. G. Laird, Charles Mallahan, John R. Wood.

The long agony was now said to be over, which was largely true as to the great majority of the people of the settled portion of the territory, who had been supplied with their most important material need at the time—ample transportation facilities for the shipment of their surplus agricultural products to a cash market on a basis of profit to the producer; commercial facilities that enabled the merchants to transact their business much more satisfactorily and economically; and not least a modern highway connecting the southern portion of the territory with the United States and its tens of thousands of people who were making preparations for founding new homes in the farther west, including the sturdy emigrants from foreign shores who were journeying to America as rapidly as the ocean fleets could carry them, and in constantly increasing numbers. To all Dakotans whose employment was identified with the legitimate purposes of the railroad, "the agony was over;" but in this instance, the novel methods which had attended the securing of the road, had left open opportunities not only for unfriendly criticism, but unprofitable and prolonged litigation, as the history of the time discloses.

NEW JUDGES APPOINTED—ASSIGNED BY GOVERNOR

In March and April, 1873, an important change occurred in the federal judiciary of the territory. Chief Justice French, who had been assigned to the Third or Red River of the North District, was succeeded by Peter C. Shannon, of Pennsylvania; and Associate Justice W. W. Brookings, who presided in the Second District at Yankton, was succeeded by Alanson H. Barnes, of Wisconsin. Judge Kidder had been reappointed, and presided in the First District at Vermillion.

Whereupon Governor Burbank, by virtue of the authority and power in him vested by the organic act, issued the following proclamation:

Whereas, section 15 of the organic act of the Territory of Dakota provides that "Temporarily and until otherwise provided by law the governor of said territory may define the judicial districts of said territory and assign the judges who may be appointed for said territory to the several districts, and also appoint the times and places for holding courts in the several counties or subdivisions in each of said judicial districts by proclamation to be issued by him; but the Legislative Assembly at their first, or any subsequent session, may organize, alter or modify such judicial districts, and assign the judges, and alter the time and place of holding courts, as to them shall seem proper and convenient."

And whereas, The Legislative Assembly has at various times defined the judicial districts of the territory, and fixed the times and places for holding courts therein, but has never assigned the judges who have been appointed for said territory to the districts thus defined by law;

And whereas, No existing proclamation of the governor clearly or definitely assigns the judges now holding office in the territory to the districts as they now exist;

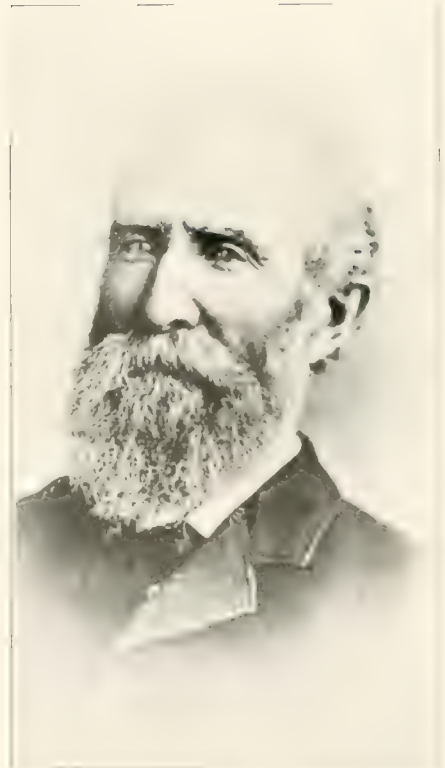
And whereas, The opinion has been expressed by the attorney general of the United States that "in the absence of any legislation by the territory assigning the judges, the governor has the power to assign them." Now, therefore,

I, John A. Burbank, governor of the Territory of Dakota, do proclaim that until otherwise provided, by the Legislative Assembly, or in default of that by the executive of the territory, the several judges of the Supreme Court of the territory shall be and they are hereby assigned to the following districts, respectively:

J. P. Kidder, to the First Judicial District; A. H. Barnes, to the Second Judicial District; P. C. Shannon, to the Third Judicial District.



COLONEL MELVIN GRIGSBY
Sioux Falls, 1872



GENERAL CHARLES F. CAMPBELL
Fought at Safford and victory at the
Mexican Civil wars.



In testimony whereof I have signed my name and have caused the great seal of the Territory of Dakota to be hereunto affixed.

Done at Yankton, the capital of said territory, this twelfth day of April, 1873.

(Seal)

By then governor, JOHN A. BURBANK.

EDWIN S. MCCOOK, Secretary.

RAILROAD MORTGAGE BONDS STIR UP A LAW SUIT

The railway company had promised certain improvements incident to the operation of the road, involving the employment of a number of mechanics and others at Yankton, in the way of repair shops and their accessories, and in supplying these it may have been that the company failed to furnish all that was expected, or it may have been tardy in performance; whatever the cause it gave ground for some open complaint; and it was further charged that the company had concluded to, and had already bestowed these favors on Sioux City, where temporary arrangements had been made with the other roads centering at that point, to use their repair facilities. These reports, aggravated by sectional and personal rivalries, created an unfriendly sentiment at Yankton, which was shared by the county commissioners, who in their official capacity represented the county as a stockholder in the railroad company to the amount of \$200,000, and now began to insist upon having a voice in the management of its affairs.

On the 11th of June, 1873, the directors of the railway company met, and by resolution cancelled the action had at a former meeting held in 1872, by which it was resolved to mortgage the railway property for \$1,200,000; and in place of that resolution enacted a modified resolution for an issue of \$600,000 first mortgage bonds, and \$600,000 second mortgage bonds; and when in August following it took steps to carry out its bonding plan, it was met by the opposition of the commissioners of Yankton County who had applied to the District Court and had been granted an order temporarily restraining the company from further proceedings in that direction, until the case could be heard. The hearing followed the same month, resulting in the court's modifying the temporary injunction so far as to permit the company to go ahead with its bonding proceedings, but requiring it to give security, in the amount of \$200,000, to indemnify Yankton County against the loss of its stock. Judge Barnes was the presiding judge.

This action of the court greatly incensed Governor Burbank, who was now one of the directors of the railroad company, and who very injudiciously if not scandalously, threatened to re-assign the judges and bring an official to the Second District who (doubtless erroneously) was supposed to be more favorably inclined toward the railroad company. The governor was said to have been so imprudent as to call upon the judge and threaten him with a re-assignment, but was informed that his threats would avail nothing in changing the judicial action, but if the governor persisted in his hostile declarations and unlawful course, he would subject himself to arrest and punishment for contempt of court.

Governor Burbank had been made a member of the Dakota Southern Board of Directors in recognition of his services at Washington in securing the passage of the curative act, and of the change made by the congressional enactment extending the western terminus from Yankton to Springfield, where the governor had acquired large interests. He had already, by proclamation, assigned the new judges, but this did not exhaust his authority in that direction. He had also secured the \$15,000 of township bonds voted by Elk Point, as was publicly made known some years later.

The railway company did not favor a compliance with the modified order of the court; it held that Yankton County, though a stockholder under the curative act of Congress, had in fact offered its \$200,000 in bonds and delivered them as a donation in consideration of having the road constructed and operated, and had no just claim upon the property of the road, notwithstanding its position as stockholder, which had been given to it since the agreement between the company and county was made. The company, deeming the local and judicial sentiment

hostile, then applied to the court for a change of venue, which the court denied at this time, but subsequently granted for reasons then stated which will be found fully and entertainingly set forth in the following pages. Matters remained in this situation for some weeks, the railway people and the county commissioners, in the meantime, aided by mutual friends, endeavoring to get together and stop the litigation. And it was for the purpose of harmonizing these differences that the railroad meeting was called by the citizens of Yankton, on the 11th of September following, at which the fatal tragedy was enacted that resulted in the killing of Secretary McCook by Peter P. Wintermute; and here we have, apparently, a situation which in some of its features connects that deplorable event with the railway company; but this relationship does not appear to be justified in the narrative of the Wintermute case, elsewhere given.

During the day preceding the evening when McCook was shot, September 11th, the citizens of Yankton had engaged in entertaining the members of the St. Paul Chamber of Commerce, and the utmost good feeling prevailed. The affair had been a very successful one, and both McCook and Wintermute had been prominent in entertaining the visitors. It was because of this general amicable condition that the meeting was held, in hopes that it would result in some agreement or the adoption of resolutions, upon which the contending parties could get together and stop the litigation. The woeful tragedy put an end to the proceedings of the meetings, and but for one remark made by Wintermute who was in attendance, that "the people had no confidence in the railroad company," one would be at loss to find in the proceedings any marked hostility to the railroad people. But the bloody and deadly outcome of the assemblage had a sobering influence upon the public sentiment. There was a general desire for peace; and a horror of continuing any further litigation that might afford a pretext for further events of a kindred character, though from all the circumstances we conclude that the quarrel and the killing in this case would have been just as likely had the occasion been a political meeting.

But it will probably be generally recognized that the important events following this terrible crime and growing out of it, coupled with Governor Burbank's resentful and vindictive disposition, had a demoralizing influence in the legal proceedings instituted to punish the assassin.

Returning to the story of the differences between the railroad company and county, the court proceedings which followed are amply set forth in the following review of the case made by Associate Justice Barnes at the October term, 1873, of the District Court. The question before the court was a new motion on behalf of the railroad company for a change of venue. The attorneys were: Phil K. Faulk, district attorney, Moody & Cramer, and S. L. Spink, for the county; and John Currier, William Tripp, W. L. Joy, and H. A. Copeland, for the company. The case was ably presented. At the conclusion of the arguments, the judge reviewed the case, animadverting with some severity upon the conduct of the executive of the territory, and closed by granting the application. In reviewing the case, Judge Barnes said:

This case, although but recently commenced, has a history—a history geographically considered extending from the national capital to the northern international boundary line; a review of which I regard as proper on the disposition of this motion.

In June last, a bill in chancery was filed in this court by the County of Yankton, against the Dakota Southern Railroad Company, Wicker, Meckling & Co., the parties who built the railroad.

The bill alleges the formation of the railroad company with a capital stock of \$1,000,000. It alleges the making of a contract by the railroad company with Wicker, Meckling & Co. for the building of the railroad. The bill further charges that Wicker, Meckling & Co. are subscribers to the capital stock of the railroad to the amount of \$750,000; that Governor Burbank, Major Stone and W. W. Brookings are subscribers to a large amount—I believe something less than three hundred thousand dollars, in nearly equal amounts, or a little less than one hundred thousand dollars each; that the County of Yankton has subscribed, paid for, and owns \$200,000; that the Town of Elk Point has subscribed and paid for some fifteen thousand dollars. The bill further charges that C. G. Wicker, J. H. Meckling, John A. Bur-

bank, W. W. Brookings, J. M. Stone and J. R. Hanson are the directors of said railroad company; that a contract was made by the railroad company with Wicker, Meckling & Co. to build the road; that no fixed price was agreed upon by the terms of the contract; and allege that upon the contract Wicker, Meckling & Co. have been paid, I think, something like one million dollars, and more than the cost of constructing the road. The bill further charges that in fraud of the plaintiffs' rights, the directors of the railroad company, except one of them (Hoffman), who is one of the county commissioners, and Wicker, Meckling & Co., both Wicker and Meckling being directors of the railroad company, and Wicker being its president, in fraud of the plaintiff's rights and intending to defraud the plaintiff, have caused to be issued \$1,000,000 of mortgage bonds upon the railroad, and by a resolution have placed them in the hands of C. G. Wicker to be disposed of as he sees fit. The bill further charges that Wicker, Meckling & Co. have paid nothing for their stock. That Governor Burbank, Judge Brookings and Major Stone, with some others whose names do not now occur to me, have paid nothing for their stock; and in short, that the \$200,000 paid by Yankton County, the \$15,000 by Elk Point, and some other small amounts, are all that have been paid.

The bill then charges that the \$1,200,000 of mortgage bonds are now in the hands of C. G. Wicker, with power to dispose of the same, charging the intent on the part of the said C. G. Wicker and his associates to dispose of them and thus encumber the road for more than its entire cost, and rendering the entire stock of the plaintiffs worthless.

The bill then asks for an injunction order, restraining the defendants, pending the suit, from disposing of the \$1,000,000 of bonds and demands that the amount due from Wicker, Meckling & Co. be applied in payment for building the road; that the subscription of Stone, Burbank and Brookings, directors of the road, be paid and in like manner applied, and that the mortgage bonds be surrendered and canceled.

Upon the hearing of this application for a restraining order, the defendants appear and do not deny the main allegations in the bill; or rather, the defendants admit receiving the stock; but Wicker, Meckling & Co. allege that their \$750,000 of stock was a donation, gift, or bonus, and that it was so understood, and that they were to pay nothing for it. I think no answer or explanation is given by the other defendants, or any pretense that they have paid for the large amount of stock held by them.

Upon the statement of facts, on the 28th of June last, I granted the temporary injunction and stated that as against stockholders who, like the plaintiffs, had subscribed and paid for their stock, the directors had no power or authority to give away any portion of the capital stock, and that a transaction of this kind could not be upheld. That it was the duty of the directors to husband the resources of the company, and protect the interests of the stockholders, and that the directors, having themselves subscribed for large amounts of stock, and with the stock thus subscribed electing themselves directors, paying nothing for the stock thus held by them, and then mortgaging the road for its entire value, placing the bonds in the hands of one of their own number with unlimited power to dispose of them as he sees fit, could not be allowed, and hence the injunction order was granted. Remarking further, that inasmuch as Wicker, Meckling & Co. had built the road, and inasmuch as they had a large interest in the road as stockholders, or builders, or both, and inasmuch as their interest could not be well made available except by mortgaging the road, on condition that they would deposit \$200,000 of the bonds in the National Bank of Yankton, subject to the order of this court on final hearing, they should not be further adjoined from disposing of the remainder of the bonds, being \$1,000,000, and about what they claimed was the cost of the building of the road. No appeal has been taken from this order, but two unsuccessful attempts were made before my associate, Judge Kidder, of the First District, to vacate it, he deciding not to entertain the motion.

Then commenced a systematic raid on the part of some of the defendants, by threats and intimidations, to compel this court to change its views, or at least its ruling; and among other things it was publicly asserted that unless the injunction was vacated the executive of this territory, and one of the defendants, would, by proclamation, depose or remove the offending judge, and bring to the district a judge more acceptable to the said defendants. A somewhat bold proposition, I confess, in a free government, and where any interference with the judiciary by the executive is viewed with just alarm and jealousy.

These threats not having the desired effect, on the 11th day of August, at a special term, a motion was made for a change of venue on the ground of prejudice on the part of the people of the county and the judge. On that occasion I held that I could not grant the order, as this was not necessarily a jury trial, and as there was no demand that the issues of fact be tried by a jury; but at the same time I requested the plaintiff's counsel, as a special favor to me, to make a stipulation that this case be tried by one of the other judges, which they agreed to call; but on consultation it is claimed that my associate judges declined to try the case, whether because of the wicked and unwarranted statements of the defendants, or some of them, that they were committed to their interests in advance, or for what reason I do not know; but immediately after the refusal of this court to grant a change of venue, in August, an individual, employed as defendant's counsel, and residing in Chicago, and not now appearing in this case, made a most wanton attack on this court, in the columns of the Chicago Tribune, a statement so absolutely false that even the parties in whose interest it was made, are said to have denounced the writer with some bitterness.

It is hardly necessary for me to say that if there is at this time, on this renewed application for a change of venue, a sufficient showing to authorize this court to grant the order for the change of venue, and that granting the order will confer jurisdiction upon the court to which it might be sent, and would not have the effect to turn the plaintiff out of court, then clearly it is the duty of this court to grant the motion; and inasmuch as by the pleadings there is a question of fraud to be tried, as well as other issues of fact, I think the order for change of venue can now with safety be made, and it would be very inconsistent for this court, after requesting parties to stipulate to try the case before some other judge, now to decline to allow a change of place of trial to another court. That being so, it is my duty as well as pleasure to grant the motion, here remarking as I did on the former hearing, that where a defendant is willing to make affidavit of prejudice on the part of the court, I think, as a matter of right, he should have the change; but the Legislature not having clothed the court with the power to grant the change of venue upon such a showing, I could not grant the order on that ground alone.

The order will then be made to change the place of trial to Clay County.

BOND CASE SETTLED OUT OF COURT

Following this order of the court transferring the venue to Judge Kidder's court, the defendants appear to have looked upon the change as undesirable, which was followed by a consultation that brought about an amicable adjustment.

A serious grievance urged by the county authorities was the failure of the railroad company to make the improvements and establish the industries at Yankton which had been promised. At the conference between the parties it was agreed and settled that the railway company should forthwith proceed to carry out its agreements in these particulars, which included the erection of machine shops, depot and other improvements aggregating in cost about fifty thousand dollars. The county on its part agreed to withdraw its suit.

Another appearance was made before Judge Barnes on the last day of October, 1873, when the following decree was sanctioned and ordered by the court:

County of Yankton, D. T., vs. Wicker, Meckling & Co.

And now at this time, to-wit, the 31st day of October, 1873, it being the 16th day of the October term of the District Court of the Second Judicial District in and for Yankton County, D. T., this cause came on to be heard upon the pleadings heretofore filed, and by agreement of the parties to said action, the decree is hereby made and entered by the court, to-wit:

It is ordered, adjudged and decreed, that the action and bill of the plaintiff be dismissed, and that in consideration of a certain bond of even date herewith, executed by said defendants, the Dakota Southern Railroad Company and Wicker, Meckling & Co., which bond the plaintiff hereby accepts in full accord and satisfaction of any and all actions and causes of action stated and set out in plaintiff's bill of complaint in this case, also for all relief prayed for and demanded in said bills of complaint.

That the injunction or restraining order heretofore granted in said case be and the same is hereby vacated and dissolved, and that the defendants and each and every one of them be absolved from any and all obligation to obey said injunction or restraining order.

That the said Dakota Southern Railroad Company, defendant herein, be allowed, ordered and adjudged to make, execute and deliver to its co-defendants, Wicker, Meckling & Co., said last named company being composed of Joel H. Wicker, Charles G. Wicker and Jonas S. Meckling, first mortgage bonds to the amount of \$1,200,000, said bonds to be secured by a mortgage on the said railroad and on all the property, real and personal, of said railroad company.

It is further ordered, adjudged and decreed that the said Wicker, Meckling & Co. may negotiate, sell, hypothecate, or in any manner dispose of such mortgage bonds in any amount, or in any manner as to them shall seem best, for their own use and benefit; but it is expressly decreed that no more than the above named amount of said bonds shall be delivered to or received by Wicker, Meckling & Co.

That the said Wicker, Meckling & Co. are hereby expressly allowed and permitted to surrender and return any or all of the bonds heretofore issued to them by said railroad company, and that in the event the said Wicker, Meckling & Co. surrender and return any or all of such bonds, then and in such case it shall be the duty of, and the said railroad company shall make, execute and deliver to the said Wicker, Meckling & Co., other bonds equal in amount to those surrendered, in conformity with, and as provided for in the resolution of the board of directors of said railroad company, adopted at a meeting of said board held June 7, 1872, a copy of which resolution is set out in full in plaintiff's bill of complaint.

That none of said bonds provided for as aforesaid shall draw a greater rate of interest than 8 per cent per annum, payable semi-annually, nor shall any of said bonds issued or

which may be issued to Wicker, Meckling & Co. by said railroad company run or fall due in any less time than twenty years, and that upon the surrender of any bonds as heretofore provided and the executing of the bonds in place of those surrendered, such bonds so given up and surrendered shall be canceled and destroyed.

And be it further ordered that each of said parties pay their own costs in said case.

And it is further ordered and decreed by consent of parties aforesaid that the injunction bond of said plaintiff heretofore given in said case upon the prohibition mentioned herein be and same is hereby canceled and annulled, and no claim or demand for damages by reason of a dissolution, or otherwise, shall be made by said defendant. By the court,

A. H. Barnes, Judge.

This case closed the litigation between the county and the Dakota Southern Railroad Company, and the courts had no further occasion to adjudicate between these parties. Wicker, Meckling & Co., had disposed of their Yankton County bonds prior to this time. But two years later a suit was begun by a taxpayer of Yankton County to enjoin the county treasurer from collecting the railroad tax, which lingered in the courts for several years, and traversed the journey to the Supreme Court of the United States before it was finally terminated, and it was claimed that it finally kept the Dakotas out of the Union for several years.

At the October term of court the Grand Jury of Yankton County had returned an indictment against Wintermute for killing McCook, charging the crime of manslaughter, which was received by McCook's relatives and friends with much dissatisfaction. In the chapters reviewing the Wintermute case which follow, we have endeavored to give the legal proceedings fully, and to that account the reader is referred. Suffice it here to state that the father-in-law of McCook, Mr. Whitney, who had become secretary in his stead, took occasion, after the indictment of Wintermute, and during the temporary absence of Governor Burbank (who had already threatened Judge Barnes with a re-assignment), to issue his proclamation as acting governor, assigning Judge Barnes to the northern or Third District, and Judge Shannon to the Yankton or Second District. No trial of the Wintermute case had been entered upon at this time. A little later the Washington authorities directed the governor of Dakota Territory to cancel that proclamation, which had been productive of much comment, some of it of a scandalous character, and restore the judges to their former positions. This was done. Here the matter rested until December. In the meantime the effort to give Judge Shannon, the chief justice, the Yankton District, was taken up by Senator Quay, of Pennsylvania, a friend of Shannon's, who was able to convince the authorities at Washington that the Chief Justice of Dakota Territory had been assigned to the Second District in which the capital was located, from the organization of the territory, interrupted only by an agreement between the judges and sanctioned by the governor, in 1869, to transfer the chief justice to the Northern District for the benefit of his wife's health, and it appearing after considering the question on its merits that the proper seat for the chief justice was at the capital where the Supreme Court held its sessions, the authorities at Washington directed the issuance of a third proclamation in accordance with this view assigning the chief justice to the Second District and Associate Justice Barnes to the Northern District. Therefore the further proceedings in the Second Judicial District were under Chief Justice Shannon.

At the session of the Legislature held in 1875, a bill was passed repealing the railroad aid law enacted at the extra session of 1871; but met the veto of Governor Pennington. The purpose of this bill was to deprive the county treasurer of Yankton County of authority to collect the railroad bond tax, which had been collected for the past two years, and the funds applied to paying the semi-annual interest on the railroad bonds.

CHAPTER LII

RAILROAD MATTERS SUBJECT OF LONG LAWSUIT

1875

LEGAL PROCEEDINGS TO RESTRAIN COLLECTION OF THE RAILROAD BOND TAX—JOHN TREADWAY, COMPLAINANT—YANKTON COUNTY DEMURS—COURT REFUSES RESTRAINING ORDER—YANKTON COUNTY THEN APPEALS TO UNITED STATES SUPREME COURT WHICH REVERSES THE LATTER DECISION 1881, AND SUSTAINS THE DISTRICT COURT—YANKTON COUNTY MUST PAY THE BONDS—TERRITORIAL LEGISLATURE OF 1881 ENACTS A SETTLEMENT LAW THAT PROVIDES FOR PARTIAL PAYMENT AND IN 1883 ANOTHER LAW IS ENACTED THAT RESULTS IN AN EQUITABLE ARRANGEMENT WITH BONDHOLDERS.

The next step in legal proceedings, growing out of the railroad matter, was the commencement of an action before Chief Justice Shannon, in the District Court of Yankton County, to permanently restrain and enjoin the treasurer of said county from collecting the railroad tax levied for the purpose of paying the interest on the bonds given or subscribed by the County of Yankton to aid in building the road. This action was begun in January, 1876, Judge P. C. Shannon then being the presiding judge of the Second District, and the complaint fully set forth the ground for such action, and was filed in the clerk's office on the 20th of September, 1875.

Yankton County was frequently accused of trying to repudiate its bonded debt in connection with this railway project. The accusation is not justly founded as will be seen by an unprejudiced reading of the legal proceedings which was initiated independent of any public sentiment, by a citizen and property holder who had from the beginning been earnestly hostile to bonding the county. Mr. John Treadway was the complainant. His complaint recites that he is the owner of certain land in Yankton County upon which the tax for paying the interest on the railroad bonds has been assessed. That he has refused to pay the railroad bond tax but is willing to, and desirous of paying all his other taxes. The county treasurer, however, has refused to receive a partial payment of his tax, and has advertised, or is about to advertise his property for sale at tax sale, and he asks the court for an order restraining the treasurer from such procedure. Moody and Cramer were his attorneys. The complaint was verified and filed January 19, 1876.

Mr. Treadway, the complainant, was in many respects an eccentric and self-willed man. He was exceptionally resolute, determined, independent, and would not yield his position or opinion though opposed by every man in the county. He had stood out against the railroad bonds from the beginning, and was acting consistently with his course by initiating this suit. He was a heavy taxpayer for that day, and was willing to pay all his tax except the railroad tax, and tendered such payment to the treasurer who had no authority to issue a receipt in the form demanded by the taxpayer.

Answering the complaint, the defendants demur to the complaint herein for the ground that it appears upon the face of the complaint that the complaint does not state facts sufficient to constitute a cause of action.

J. R. GAMBLE, District Attorney.

Dated at Yankton, D. T., October 18, 1875.

Treadway v. Schnauber et al. Demurrer sustained.

And now, the 20th day of January, 1876, the issue of law in this action having duly come on for hearing and trial, and the same having been argued by the counsel of the parties, and on consideration thereof, it is ordered, adjudged and decreed that the demurrer herein of the said defendants to the said complaint be and the same is sustained; and the said complaint is dismissed at the costs of the plaintiff; and that judgment be entered accordingly.

By the court,

P. C. SHANNON, Judge.

To which judgment of the court the plaintiff excepts.

STIPULATION. It is hereby stipulated and agreed by and between the parties herein that the above entitled action may be and is hereby allowed to be appealed to the Supreme Court of the Territory of Dakota, the same as though notice of appeal was served upon the defendants' attorneys, as required by law, and the undertaking and deposit as required by law are hereby waived; the appeal is by consent to be taken into, and such case heard, at the adjourned term of said Supreme Court to be held on the 1st of February, 1876, or at the day to which said adjourned term shall be continued by the said Supreme Court. The intention being to prosecute this appeal to effect at the earliest time.

Signed by attorneys January 20, 1876.

MOODY & CRAMER, for Plaintiff.

J. R. GAMBLE, County Attorney, for Defendant.

The majority opinion of the Territorial Supreme Court dealt in great part with the utter invalidity of the entire proceedings under which the bonds were issued. The special session of the Legislature being held without warrant or authority, there could be no legal life in any of its pretended enactments—hence there was no lawful warrant for holding the railroad bond election; no legal method for preventing or punishing fraud at such election; no authority for canvassing or declaring the vote. All this being without the sanction of law, there was no validity to the bonds issued, and therefore nothing whatever to form a basis for Congress to act upon; hence it went beyond its constitutional authority in declaring, in effect, that a portion of the law should be considered valid and the remainder ignored. It was even denied by the majority opinion that Congress was invested with any authority to pass a law granting to the counties of the territory the right to vote bonds to aid railroads—that the constitutional powers of Congress did not cover this class of legislation.

Judge Shannon dissented from the majority of the court, and filed a written opinion of some length, quoting numerous authorities and constructing a strong argument. In concluding the judge takes occasion to strengthen his opinion by bringing into the record the sentiment of Yankton county taxpayers, as follows:

From the issuing of these bonds in 1872 until the bringing of this action in 1875 the county commissioners have annually levied a tax, designated as a railroad tax, for the purpose of paying the interest, and in none of these years has the levy exceeded 2 per cent of the assessed valuation of the property. It would seem, therefore, that there has been acquiescence until this suit, which is one brought by a single taxpayer.

The plaintiff asks that the railroad tax levied on his property to pay the interest may be declared illegal and void, and that the county and its agents may be perpetually enjoined from proceeding to collect such tax. The defendants, namely, the county itself and its treasurer, demurred to the complaint, for that the complaint does not state facts sufficient to constitute a cause of action. In other words, the county resists, by its pleading, the prayer of the plaintiff, and thereby, on this record, implicitly admits that the tax is lawful and valid, and consequently opposes the granting of the injunction. I fully concur with the county and its financial agent in their view thus presented in their demurrer, and I hold, in accordance therewith, that the complaint does not state facts sufficient to give the plaintiff a cause of action.

An important change had occurred in the judiciary of the territory about the first of January, 1875, when Judge Kidder, of the First District, residing at Vermillion, having been elected delegate to Congress, resigned his judgeship, and was succeeded by Granville G. Bennett, of Washington, Iowa.

This decision of the court put a stop to the collection of the railroad tax in Yankton County for the time being, and also prevented the payment of the annual interest on the bonds; which led to a suit undertaken by the National

Bank of Brunswick, Maine, against Yankton County—the plaintiff suing for the recovery of defaulted interest on \$10,000 of Yankton County railroad bonds. Suit was commenced in the United States Court at Yankton at the March term, 1876, and as the case involved exactly the same points as those involved in the case of Treadway vs. Schnauber, judgment was rendered by the lower court for the defendant. The case was then appealed to the Territorial Supreme Court, where the judgment of the District Court was reversed. The case was then taken on error to the Supreme Court of the United States, and rested in the archives of that tribunal until 1880, a period of about four years, when it was taken up, and the decision of the Supreme Court of Dakota Territory reversed.

The attorneys appearing in the case before the United States Supreme Court were S. W. Packard and James Grant for the plaintiff in error; and Hon. Matt. H. Carpenter, United States senator from Wisconsin, and James Coleman for the defendant in error. Mr. Chief Justice Waite delivered the opinion of the court, as follows:

By section 4 of the act to provide a temporary government for the Territory of Dakota no one session of the Legislature shall exceed forty days, and in 1869 Congress declared that all sessions of all Territorial Legislative Assemblies should be biennial. The members of the Legislative Assembly of Dakota met on the 5th of December, 1870, and continued in regular session on all days except Sundays, until January 13, 1871, when they adjourned without day. The day of the adjournment was called on the journal the fortieth day of the session, although there had been but thirty-five days of actual session for the transaction of business. On the 18th of April, 1871, the members of the Legislature elected the preceding fall again assembled at the call of the acting governor of the territory. After organizing themselves as a Legislature and proceeding to legislate for the territory, they passed among other acts one entitled: "An act to enable organized counties and townships to vote aid to any railroad, and to provide for the payment of the same." Under this act the voters of Yankton County, on the 2d of September, 1871, voted to donate to the Dakota Southern Railroad Company \$200,000 in the bonds of the county. All the proceedings under which this vote was taken were conducted strictly according to the requirements of law.

On the 27th day of May, 1872, the following act of Congress was approved and went into effect:

An Act in Relation to the Dakota Southern Railroad Company.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the act passed by the Legislative Assembly of the Territory of Dakota and approved by the governor on the 21st day of April, 1871, entitled, "An act to enable organized counties and townships to vote aid to any railroad, and to provide for the payment of the same," be and the same is hereby disapproved and annulled, except in so far as herein otherwise provided. But the passage of this act shall not impair or invalidate the organization of the company heretofore organized for the construction of the Dakota Southern Railroad leading from Sioux City, Iowa, by way of Yankton, the capital of said territory, to the west line of Bon Homme County, or any vote that has been or may be given by the counties of Union, Clay, Yankton, or Bon Homme, or any township granting aid to said railroad, or any subscription thereto, or anything authorized by and that may have been done in pursuance of the provisions of the aforesaid act of the Legislative Assembly of said territory towards the construction and completion of said railroad, and the said Dakota Southern Railroad Company, as organized under and in conformity to the acts of the Legislative Assembly of said territory, is hereby recognized and declared to be a legal and valid incorporation; and the provisions of the act of the Legislative Assembly first aforesaid, so far as the same authorize, and for the purpose of validating any vote of aid or subscriptions to said company for the construction, completion and equipment of the main stem of said railroad, between the termini aforesaid, are hereby declared to be and remain in full force, but no further, and for no other purpose whatsoever.

Section 2. That for the purpose of enabling the said Dakota Southern Railroad Company to construct its road through the public lands between the termini aforesaid, the right of way through the public lands is hereby granted to said company to the extent of 100 feet in width on each side of said road; Provided, That nothing in this act shall relieve said Dakota Southern Railroad Company from constructing and completing said railroad in accordance with the conditions and stipulations under which the citizens of the counties therein named voted aid to said railroad in accordance with the laws of said territory, approved April 21, 1871. Provided further, That said Dakota Southern Railroad Company shall issue to the respective counties and townships voting aid to said railroad paid-up certificates of stock in the same in amounts equal to the sums voted by the respective counties and townships.

After the passage of this act the bonds voted were delivered by the county commissioners to the railroad company and stock in the company for an equal amount was issued to the county. The First National Bank of Brunswick, Maine, the bona fide holder and owner of

ten of these bonds, amounting in the aggregate to \$10,000, brought this suit against the county to recover three installments of interest. The defense was that there was no law authorizing the issue of the bonds, and as a consequence that the county was not bound for the payment of either principal or interest. Upon the trial of the cause the facts were found substantially as already stated, and a judgment was rendered by the District Court of the territory in favor of the county. This judgment was afterwards affirmed by the Supreme Court, and thereupon the bank brought the case here by writ of error.

We do not consider it necessary to decide whether the governor of Dakota had authority to call an extra session of the Legislative Assembly, nor whether a law passed at such a session or after the limited term of forty days had expired would be valid, because, as we think, the act of May 27, 1872, is equivalent to a direct grant of power by Congress to the county to issue the bonds in dispute. It is certainly now too late to doubt the power of Congress to govern the territories. There have been some differences of opinion as to the particular clause of the Constitution from which the power is derived, but that it exists has always been conceded. The act to adapt the ordinance to provide for the government of the territory northwest of the River Ohio to the requirements of the Constitution is chapter 8 of the first session of the first Congress, and the ordinance itself was in force under the confederation when the Constitution went into effect. All territory within the jurisdiction of the United States not included in any state must necessarily be governed by or under the authority of Congress. The territories are but political subdivisions of the outlying dominion of the United States. Their relation to the general Government is much the same as that which counties bear to the respective states and Congress may legislate for them as a state does for its municipal organizations. The organic law of a territory takes the place of the Constitution as the fundamental law of the local government. It is obligatory on and binds the territorial authorities; but Congress is supreme, and for the purposes of this department of its governmental authority has all the powers of the people of the United States, except such as have been expressly or by implication reserved in the prohibitions of the Constitution.

In the organic act of Dakota there was not an express reservation of power in Congress to amend the acts of the Territorial Legislature, nor was it necessary. Such a power is an incident of sovereignty and continues until granted away. Congress may not only abrogate laws of the Territorial Legislatures, but it may itself legislate directly for the local government. It may make a void act of the Territorial Legislature valid and a valid act void. In other words, it has full and complete legislative authority over the people of the territories and all departments of the territorial governments. It may do for the territories what the people, under the Constitution of the United States, may do for the states.

Turning, then, to the particular act of Congress now under consideration, we find that the attention of that body was in some way brought to the fact that the Legislative Assembly of Dakota had, on the 21st of April, 1871, passed an act to enable organized counties and townships to vote aid to railroads. In addition to this, it was known that the Dakota Southern Railroad Company has been organized as a corporation under certain acts of the Territorial Legislative Assembly, and that votes had been taken under the said act in some of the counties and townships granting aid to or authorizing subscriptions of stock in this corporation. It is clear that Congress disapproved the policy of the aid act, and was unwilling to have it go into general operation; but to the extent it could be made available for the construction and completion of the main stem of the Dakota Southern Railroad, the contrary is directly manifested. The act as a whole was "disapproved and annulled," but in substance reenacted by Congress "for the purpose of validating any vote of aid or subscription to that company, but 'for no other purpose whatever.'" A careful examination of the statute leaves no doubt in our minds on this subject. To make it sure that the organization of the company was complete, the "Dakota Southern Railroad Company, as organized under and in conformity to the acts of the Legislative Assembly of said territory," was "recognized and declared to be a legal and valid corporation." It is then in terms enacted that the provisions of the said act, "so far as the same authorize, and for the purpose of validating any vote of aid and subscriptions to said company, for the construction, completion, and equipment of the main stem of said railroad," are hereby declared to be and remain in full force. And again: "That said Dakota Southern Railroad Company shall issue to the respective counties and townships voting aid to said railroad, paid-up certificates of stock in the same in amounts equal to the sums voted by the respective counties and townships." In the light of these distinct and positive declarations and enactments of Congress, it is impossible to bring our minds to any other conclusion than that, when the bonds now in controversy were put out, there existed full and complete legislative authority to bind the people of the county for their payment. No complaint is made of any irregularity in the proceedings under the law. The question in the case is one of power only. As we think the vote of the people of the county was "validated" by Congress, and express authority given to issue the bonds for the purpose originally intended. The only change which Congress saw fit to make was to require the company to give stock in return for the donation voted. The judgment of the Supreme Court of the territory will be reversed, and the cause remanded with instructions to reverse the judgment of the District Court, and direct a judgment for the plaintiff on the facts found, for such amount as shall appear due on the bonds so sold for, and it is so ordered.

Yankton County was not prepared for this sweeping adverse decision. While there had been apparently no general sentiment in favor of Mr. Treadway's suit during its pendency in the territorial courts, the progress of legal proceedings which included the argument of attorneys and the decisions of a majority of the members of the Territorial Supreme Court which sustained Mr. Treadway's contention had brought out some points that were encouraging to the expectation that the county would be freed from its liability to pay the bonds mainly because of the action of Congress, taken after the bonds were voted, which changed the character of the aid voted to a subscription to the capital stock of the company in place of a donation and the further and more unpopular and radical change which struck out Yankton as the terminus of the railroad, extending that important point to the west line of Bon Homme County, presumably to the new Town of Springfield, also on the Missouri River, whereas the bonds were voted to a road terminating at Yankton. It is not reasonable to suppose Yankton County would have favored donating even one-fourth of \$200,000 to build a road to a river point over twenty miles west, and thus defeat the important purpose the voters had in view, which was to make Yankton the terminal, and the starting point for the steamboat traffic then enjoyed by Sioux City. The act of Congress would make Yankton a way-station on the road, and the extension of the line as contemplated by that act, to construct which a company had been formed, would have destroyed the prosperity the city then enjoyed, and blighted its prospects for the future. As was said in the opinion of Associate Justice Bennett, of the Territorial Supreme Court:

If the county (Yankton) can be bound at all it must be in manner provided by the act of the special session of the Territorial Legislature of April 21, 1871, and the only method therein pointed out is by the voice of the people expressed through the ballot box; and after it has made its contract as therein directed, I know of no earthly power that can change it against the will of the county." Justice Bennett said further: "There is no way of escaping the logical conclusion to which we are driven, and that is by holding that the people of a county are entitled to no voice in the nature, character, and amount of the pecuniary liabilities with which they are to be burdened. When that point is reached, despotism will have displaced law, and arbitrary power will make and construe its own decrees.

The main portion of the arguments of the majority of the court were directed against the validity of the act of Congress, which it was contended would impose a liability against the will and without the consent of the party to be charged thereby. "This the law-making power cannot do. It can only act retrospectively for the purpose of furnishing a remedy for the removing of an impediment in the way of the enforcement of some pre-existing legal or equitable right or duty, and not for the purpose of creating such right or duty." It was by many thought that Congress did not understand the situation, and this was referred to by the attorneys in their arguments in the lower court. It was thought quite probable that the measure passed by Congress was taken already prepared, and without much inquiry. It was true and was so represented to Congress and by a memorial of the Legislature, that the people desired Congress to confirm and ratify what had been done at the extra session, but there was no authority given for making such radical changes in the laws under which action had been taken. In view of the new features engrafted upon the congressional act, it would at least have been more fair and just to require that the new law of Congress be submitted to a vote of the people interested, for ratification or rejection.

In the written opinion of Justice Barnes, who also took the position denying the validity of the law of Congress, he says:

Congress has made frequent grants of public lands, and in various ways aided in the construction of railroads through public lands in the territories, thus benefitting citizens settling upon these lands; but in this instance Congress is attempting to place this burden upon private parties, and thus enhance the value of these same public lands in these same counties. By this process, and if this kind of taxation can be sustained, a burden before unheard of can be forced upon the pioneers who happen to be so unfortunate as to have purchased Government lands. The evils resulting from this kind of legislation in the states have been so great that I regard it fortunate that Congress has not the power to repeat it in the territories. It requires very little discernment to see that long before the new states could be admitted into the Union, almost every organized county would be bonded to such an extent, in their efforts to procure the building of railroads, that the payment of their bonds would be an utter impossibility.

And the fact that Congress had refused to donate lands to aid the building of a railway in the territory led to the supposition that the burden of this bonded debt, under all the circumstances, would eventually be assumed by the general government.

It is a long distance from the national capital to the old capital of Dakota, and official communication between the parent political metropolis and its humble prototype in Dakota, in 1880, and for several months thereafter, was beset by vexatious hindrances; hence the mandate of the Supreme Court of the United States, though anxiously looked for by Mr. Packard, the bondholders' attorney, was slow in reaching the tribunals of Dakota. It was known, however, that the decision had been rendered and was adverse to the county.

Dakota was, at this time, making strenuous efforts to secure a division of the territory, and statehood for the southern half had been suggested, and Mr. Packard visited Washington, with the view of securing the assistance of Congress as a collecting agency in behalf of the bondholders. Subsequently Senator Hale, of Maine, became an ardent opponent of division, basing his antagonism on the alleged efforts of Yankton County to repudiate its honest indebtedness. It was one of this senator's corporate constituents, the First National Bank of Brunswick, Maine, which had sued the county and won its case before the Supreme Court.

Action to Restrain Collection of Railroad Bond Tax.

District Court in and for Yankton County.

Treadway v. Schnauber.

Comes now E. G. Smith, district attorney of the Second Judicial District, and moves the court for an order setting aside and vacating the order of injunction heretofore entered in the above entitled action restraining and enjoining the county treasurer of said Yankton County from collecting certain taxes levied for the purpose of paying the interest on certain bonds of Yankton County in aid of the Dakota Southern Railway, as the same appears and stands on file and of record in this court.

E. G. SMITH, District Attorney.

And now, August 18, 1883, the above motion coming on to be heard, and the court being fully advised in the premises, it is ordered and adjudged that the injunction entered in the above entitled action in this court on the day of A. D. 1876, restraining the defendant, treasurer of said county, from collecting the tax mentioned and described in the complaint in this action, be and the same is hereby set aside, canceled and annulled, and the county treasurer, defendant, is released and freed from such injunction.

August 18, 1883.

By the court, A. J. EDGERTON, Judge.

With this close of the litigation, Yankton County proceeded to make the best arrangement within its power, with the holders of the railroad bonds, the interest on which had now accumulated until considerably over \$300,000 was due, principal and interest.

No steps looking toward a settlement with the bondholders were taken during 1880; and in 1881, the Legislature of the Territory came to the relief of the county by passing an act to authorize the funding of bonds and coupons, provided it could be done at a discount of 50 cents on the dollar. The county commissioners were authorized to issue new bonds bearing six per cent interest per annum, and with the proceeds purchase the old bonds, or exchange for the old bonds on the terms of one dollar of new bonds for two dollars of old bonds. But it was further provided by the law, that in case the county commissioners were unable to "amicably fund the outstanding bonds at the rate named [50 per cent discount], they had authority to agree upon a higher rate on the dollar; but such agreement must first be submitted to a vote of the people of the county, and by them ratified."

No headway was made under this act toward effecting a settlement, and it is probable that nothing more was expected from the law than to provide for delay until the county would be in better condition to agree upon terms of settlement. It was estimated that the debt had by this time just about doubled, if incidental expenses were included, and it was piling up at the rate of \$1,000 a month. The bondholders, or rather their attorney, who appeared to have complete control of their interests, was inflexible in his determination to con-

every dollar that was due, and threats were freely made of applying for a mandamus to compel the county officers to levy and collect a tax sufficient to discharge the entire indebtedness.

Under the stress of these circumstances the wits of the lawyers were sharpened. The bondholders' attorney, Mr. S. W. Packard, was vigilant and resourceful; but for the next two years he "found a foeman worthy of his steel," in the representatives of the county. The county commissioners of the county became like the Irishman's flea, "when you put your hand upon him he isn't there." Sheriffs and constables led by Mr. Packard, were untiring in their efforts to find a county official upon whom they could serve process, and when they had discovered one, it was to learn that he had resigned. And in this way nearly two years was passed before an agreement for settlement was reached. It was finally brought about that the county should pay the face of the old bonds and the eight per cent interest by an issue of new bonds bearing four per cent interest for ten years and four and a half per cent thereafter for a term of thirty years. The county had by this time amassed a surplus of about fifty thousand dollars which it was proposed to apply to the reduction of the debt.

When this agreement was reached a committee of citizens of the county, in company with the bondholders' attorney, visited Washington and made an effort to secure the passage of a law by Congress authorizing the settlement on the terms stated, and which were subsequently embodied in the act of the Territorial Legislature of 1883. The movement to secure the legislation from Congress was not in view of any favor it would be to the county, unless Congress had been disposed to shoulder the debt; but the case had become notorious through the efforts of Mr. Packard, previously exerted, to secure some action from Congress that would compel the county to pay the original bonds, and so ardently did he press the matter that he secured the aid of Senator Hale, of Maine, to oppose the division of the territory or the admission of the State of Dakota, until the "Territory had wiped from its escutcheon the foul stain of repudiation." Thus the contest was taken into the halls of Congress, and as it happened to be a constituent of Senator Hale's—the First National Bank of Brunswick, Maine—which had prosecuted the suit before the Supreme Court of the United States, Mr. Hale dignified the affair with considerable eloquent denunciation of the repudiators. And inasmuch as the subject had assumed such threatening proportions, it became an affair which interested the people of the entire territory, and they were anxious that it should be amicably and justly terminated. This was finally consummated under an act passed by the Territorial Legislature, approved February 23, 1883, under the provisions of which the county was authorized to fund the indebtedness by an issue of new bonds bearing four per cent interest for the first ten years, the bonds to run thirty years, and to draw four and a half per cent interest after ten years until paid. Said refunding proposition to be first submitted to a vote of the legal voters of the county for their approval.

There must have been nearly a complete demolition of the Yankton County government during the year or two preceding the settlement of the matter, for it appears at the first meeting of the board of county commissioners in 1883, after the new funding act had become a law, that the three commissioners were all new officers who had been "appointed to fill existing vacancies, according to law." They were A. W. Lavender, Wm. H. Edmunds and Haldo Sater, a competent and satisfactory body, and they proceeded without delay at their first meeting held April 6th, to put in operation the funding law. Peter Royem was the county clerk. A special election was called to be held April 25th following to vote upon the new bond proposition. Ten election precincts were established, and so sanguine were the commissioners that the voters would ratify the new law that Captain Lavender was authorized to procure, without unnecessary delay, 250 one thousand dollar blank county refunding bonds and 1,000 one hundred dollar bonds, making \$350,000 in all, that being the estimated aggregate of the amount that would be refunded.

Captain C. E. Brooks and Anton Pfeiffer were added to the board as provided by a new enactment increasing the membership of the county board to five members.

At the election held April 25th, to authorize the bonds there were 821 votes cast—804 in the affirmative and seventeen against. The vote was unanimous in the City of Yankton (precincts 9 and 10), and also in precincts Nos. 2, 5, 6, 7, and 8. Precinct No. 1 cast four votes against the new proposition; precinct No. 3, six votes, and No. 4, seven votes, making seventeen in all. The work of exchanging the new bonds began about May 3d and continued until all were paid or exchanged.

The law provided for the payment of the new bonds in thirty years, redemption to begin at the option of the county any time after ten years from date of issue. So judiciously have the financial affairs of the county been conducted, that at the lapse of thirty years the indications are that the debt will be fully paid and the last bond redeemed within a twelve month. The letter and spirit of the last agreement and the law have been fulfilled, and no stain of repudiation rests upon the old territory or its eldest county subdivision.

An unfavorable criticism may be made of the action of the pioneers of Yankton County in bonding the county for such a large sum in order to secure a railroad; but it should be remembered that the time had then come when a railroad was absolutely necessary to the further settlement and progress of the country. The alternative that faced the people was a railroad or a stop to further increase of settlement and production. The unfriendly criticism should be upon the action of the general Government in refusing to give the pioneers of Dakota a grant of land to aid their first railroad enterprises; for up to that time aid of this kind had not been withheld from the people of the newly settled western states and territories, and the pioneers of Dakota were certainly justified in believing that the Government would favor them in like manner, inasmuch as the Government was the greater beneficiary from the building of these transportation lines through the public domain; and it had been upon this ground that all the land grants to railroads had been made by Congress. Without a railroad it would have been practically impossible, within any reasonable time, to have settled and developed these woodless prairies, and the Government, it would seem, could not do less than donate its wild unproductive land, that cost it only twelve cents an acre, to an enterprise that made a ready market for the same land at \$1.25 an acre.

There was no justifiable reason for the abrupt change in the policy of Congress from an overgenerous and often times unwise grant of the public domain, to an absolute refusal to donate an acre to Dakota for similar purposes.

CHAPTER LIII

NORTHWESTERN AND MILWAUKEE CONTEST FOR CONTROL

1879-80

(Railroads—Concluded)

JOHN I. BLAIR PURCHASES A CONTROLLING INTEREST IN THE DAKOTA SOUTHERN—PRESIDENT WICKER LEASES THE ROAD TO A RIVAL COMPANY, THE CHICAGO, MILWAUKEE & ST. PAUL—MR. BLAIR TAKES STEPS TO PREVENT TRANSFER OF THE PROPERTY—FINAL SETTLEMENT—MR. BLAIR SELLS TO THE MILWAUKEE, AND THE DAKOTA SOUTHERN FROM SIOUX CITY TO YANKTON AND TO SIOUX FALLS BECOMES A PART OF THE MILWAUKEE SYSTEM—MILWAUKEE RAILROAD COMPANY IN VIRTUAL CONTROL OF THE TRANSPORTATION INTERESTS OF SOUTHEASTERN DAKOTA.

Inasmuch as the Dakota Southern Railway enterprise, a weakling compared with the giants of later years, had an important bearing upon the future of railway building in Dakota, it is deemed necessary and also interesting to follow its career after it became disconnected with all legal proceedings and controversies with the County of Yankton. So far as the railway company was concerned the controversy with the county terminated when the injunction was dissolved by Judge Barnes in 1873. Thenceforward the company was a free agent, and early in its career Mr. Meckling sold his interest in the road to the Messrs. Wicker, and not long after Mr. Charles G. Wicker was the sole owner and manager of the Dakota Southern and the old Sioux City and Pembina, which had become a part of the Dakota Southern system and had been extended twenty miles above Sioux City to a point called Portlandville, Iowa, on the Iowa side of the Big Sioux. The Dakota Southern was now, as it had been since its construction, operated in connection with the Chicago and Northwestern interests centering at Sioux City. At this time the Chicago and Northwestern possessed the Dakota field and it appears might have held it had it been watchful of its interests. Mr. John I. Blair, of New Jersey, then the railway leader of the Northwest, and owner of the Chicago and Northwestern in great part, and also owner of the roadbed of the Illinois Central, now enters the Dakota field only to be beaten and baffled and out-generated by the young giant of Milwaukee, a new comer.

On the 24th of May, 1879, Mr. John I. Blair and C. E. Vail, of Blairstown, New Jersey; D. C. Blair, of Belden, New Jersey; James Bain, of Scranton, Pennsylvania; W. C. Larned, of Chicago; C. G. Wicker and George E. Merchant, of the Dakota Southern R. R. Co., and F. C. Hills, of the Sioux City and Pacific; N. H. Briggs, son-in-law of Mr. Wicker, and his daughter, accompanied by Miss Hunter of Sioux City, reached Yankton. Mr Blair was at this time the railroad king of the Northwest, so regarded. He practically controlled the Chicago and Northwestern, the Sioux City and Pacific, and the St. Paul and Sioux City, which comprised all the lines centering at Sioux City except the Dakota Southern and its Big Sioux branch, the Sioux City and Pembina, which had been completed to Beloit, Iowa, opposite the City of Canton, D. T.

The purpose of this visit, as explained by Mr. Blair, was to look at the country and the railroad situation. There had already been some tentative proposition made to Mr. Blair, looking to the purchase of all or part of the Dakota Southern.

Blair said that the Illinois Central and Chicago and Northwestern roads realized the necessity of extending the feeders of their lines in Dakota, and prevent the Chicago, Milwaukee and St. Paul from monopolizing the profitable traffic of this territory, which now passes over the lines first named. Mr. Blair and his party were here as the representatives of the Illinois Central and Northwestern, whose lines were owned by him and were operated on a lease.

Messrs. Blair and Wicker, and Merchant, and the New Jersey and Pennsylvania gentlemen, then made an overland trip to Firesteel, up the James River valley, eighty miles away, for the purpose of viewing the country, and were gone several days. The result of this trip was the purchase by Mr. Blair of a trifle over a one-half interest in the Dakota Southern and Sioux City and Pembina; and a proposition was made to the people of Yankton at a public meeting held for the purpose, to extend the Dakota Southern up the James River forthwith, provided Yankton would donate the right of way through the county, furnish depot grounds, and build a depot north of the Rhine Creek. Mr. Blair said the extension would be a great benefit to Yankton in view of the line of the Milwaukee already about constructed to Running Water which would cut off Yankton's trade. The Pembina was to be extended from Beloit to Sioux Falls, by way of Canton, forthwith. This was the beginning of Mr Blair's connection with Dakota's railroad interests. Yankton agreed to the proposition made for the construction of the James River line and forthwith set about accomplishing its part of the agreement. The title of the "Dakota Southern" and the "Sioux City and Pembina," was then changed to the "Sioux City and Dakota Railway Company."

During the following summer and fall Mr. Wicker came to Yankton occasionally, and at each visit protested that he was anxious to begin work on the James River extension, giving various reasons as the cause of the delay and among these that Yankton had not fulfilled its part of the contract. This, however, was not the case, Yankton having performed all that it could do until the construction was started. Mr. Wicker's reasons for delay were not substantial reasons, and a sentiment grew up that the active and aggressive movements of the Milwaukee company in the James River valley and its Running Water line had dampened the ardor of the Dakota Southern people; and it transpired in January following that this was a correct conclusion. It was then announced on unquestioned authority that Mr. Wicker had determined to sell his remaining interest. He had sold to Mr. Blair fifty-two per cent of his lines, retaining forty eight per cent. He now announced that the Milwaukee company had made a bid for the entire property, but Mr. Blair was not willing to sell and allow the Milwaukee company to obtain control of the northwestern outlet for his Iowa lines. Mr. Wicker insisted, however, that Mr. Blair must either join in the sale, or must purchase his interest.

The issue between Mr. Blair and Mr. Wicker was stated by the latter in these words:

Mr. Blair and myself differ as to the proper policy to be pursued by the Dakota lines. I think the Milwaukee should be allowed to come to Sioux City and our road from Beloit. Mr. Blair thinks otherwise. I have therefore proposed to him to buy or sell. When I sold Mr. Blair an interest in the road, it was understood that I was to retain possession for three years, and the road should be under my control. Now I find that the interests of our company to allow the Milwaukee to compete for Sioux City traffic, and if I remain at the head of the affairs of the road, this will be its policy.

Sioux City's business interests were supposed to be friendly to the Milwaukee, and to Mr. Wicker's policy, for the transportation business there was well de-

control of the Northwestern, hence there was a strong anti-monopoly sentiment among the business men.

Yankton's interests, though not clearly perceived at the time, were with the Northwestern controlling the Dakota Southern, for the Milwaukee had already entered upon the construction of its branch from Rock Rapids, Iowa, to Yankton, the right of way was all procured and grading going forward.

In February, 1880, it was given out that the Dakota Southern had been compelled to refuse the use of its line to the Milwaukee. At Sioux City, the Dakota Southern and Pembina had been using the yards of the Sioux City and Pacific—Blair's road—and Mr. Blair gave orders that no cars of the Milwaukee should be given further privilege. This action rendered nugatory Wicker's efforts to accommodate the Milwaukee, now a powerful rival of the lines at Sioux City. There was no avoiding the disastrous effects of this order, which made it plain that the Milwaukee company had no rights in Sioux City which the other lines were disposed to respect; therefore it might have been expected that rather desperate measures would have been resorted to to obtain relief. Hence the next step was one that brought matters to a focus. Mr. Wicker had not played his best card and it was now forthcoming.

On the 20th of June a number of railroad men happened to meet at Yankton. Their coming had not been publicly announced and they had apparently come from different points and by different routes, some by rail and others by democratic wagon. They apparently had no common purpose, but it transpired that they assembled at the office of the Dakota Southern, at Yankton, that day or evening. The parties there present were C. G. Wicker and Geo. E. Merchant, superintendent of the Sioux City and Dakota, and S. S. Merrill, general manager of the Milwaukee, General Carey, the solicitor, and other Milwaukee officials. At this meeting a lease was consummated which gave to the Milwaukee control of the Dakota lines of the Sioux City and Dakota, and at the conclusion of the meeting the following general orders were issued:

Office of the President of the Sioux City and Dakota Railroad Company,
Yankton, D. T., March 20, 1880.

To the officers, agents and employees of the Sioux City and Dakota Railroad Company:
The property of this company having been, by order of the board of directors, leased to the Chicago, Milwaukee & St. Paul R. R. Co., you are hereby notified that all orders and instructions for the running and operation of the road, will from this day be given by or through S. S. Merrill, general manager of the C. M. & St. Paul Railroad Company.

CHARLES G. WICKER, President.
Office of the Chicago, Milwaukee & St. Paul Railroad Company.
Yankton, D. T., March 20, 1880.

NOTICE. Mr. George E. Merchant has been duly appointed superintendent of the Sioux City and Dakota Division of the C. M. & St. P. R. R., extending from Yankton to Sioux City and from Sioux City to Sioux Falls. S. S. MERRILL, General Manager.

Mr. Wicker, with the view probably of justifying himself in the minds of his Dakota friends, with whom his business and social relations had been quite intimate for a number of years, gave out the following statement:

It has been generally known for a long time that I have been anxious to dispose of my interest in the lines of the Sioux City and Dakota Company. Short lines, independent of the protection and advantages afforded by connection with trunk lines, are not profitable, and I am \$175,000 poorer than when I commenced the construction of the old Dakota Southern. Finally I sold a little more than a majority of the stock to John I. Blair, but fortunately retained control of the management. Last December I ascertained that the Milwaukee would buy the lines, and made overtures to Mr. Blair to either buy or sell so that the transfer could be made; so I could make a transfer. The Milwaukee first offered \$8,750 per mile, but finally raised their bid to \$9,000. Mr. Blair first agreed to sell at the latter price, but then changed his mind and refused to do so. I then insisted that if he would not sell he should buy, and Blair at last said he would give \$8,750 per mile. I objected to this as we had an offer of \$9,000. Thus the matter hung fire for a few days when Mr. Blair said he would take my interest rated at \$9,000 per mile, and complete the trade January 1st. I wanted a memoranda to this effect, drawn up and signed, but Mr. Blair thought it so trifling a transaction, his word ought to be good for thirty days. The

1st of January came and Mr. Blair was not ready to close the bargain. He sent out here his attorney, Mr. Larned, who examined the books and papers of the company, and at a lengthy written opinion decided that the articles of incorporation of the Dakota Southern, of the Sioux City & Pembina, of the consolidation of the two, and the issue of preferred stock, were full of irregularities and of no binding force. Mr. Blair then withdrew, and the trade was off.

I then asked Mr. Blair what he would give me for my interest. Mr. Blair said that he would give nothing, that he did not consider my interest worth anything. I was then convinced that it was Blair's intention to freeze me out, that Larned's opinion was given to suit a purpose, and so I determined to save myself if I could. During this time Blair was negotiating to sell the whole thing out to the Sioux City & Pacific at \$9,000 a mile. I ascertained that the Milwaukee folks were willing to take the lines, and so I went along with them and other railroad men, my course was blocked up. I had no friends, no board of directors, and all I wanted, to be master of the situation, was a majority of the stock, so that I could give the purchaser controlling interest. Mr. Blair had agreed to sell against my 48 per cent, with the Pembina branch completed to Beloit. Then the directors of the line from the latter place to Sioux Falls the company was entitled to new additional stock and bonds. A meeting was called and this was done. The additional stock issued on the extension added to what I already had, just over-sized Mr. Blair's interest, and this was transferred to the Milwaukee, leaving Blair in the minority, or just in the position I had been up to the time of the new issue. The board of directors then leased the Sioux City & Dakota to the Milwaukee for five years, though it is understood that practically the lease is a perpetual one, or at least may become such if the Milwaukee will. The company now own a majority of the stock. On the 21st a dispatch was sent Mr. Blair informing him that the Sioux City & Dakota lines had been leased to the Milwaukee for five years for 10 per cent of their gross earnings, and that the bonds issued on the extension, from Beloit to Sioux Falls had also been sold to the same company for 10 per cent over their par value. The same night a letter was sent him containing a check for \$17,475, payable to his order, and representing his entire investment in the lines, including interest to date. This indicates that there has been no intention to defraud Mr. Blair out of any money he may have put in these enterprises, but as he would neither buy nor sell, he has just been forced to take his own and step down and out.

This is probably the first time in his long and successful career that Mr. Blair had been outwitted. It was expected he would test the legality of the transfer in the courts. The Milwaukee company felt secure; having thoroughly examined the situation previous to the transaction, under the direction of General Carey, their general solicitor and then eminent as a railroad attorney and authority.

On Saturday evening, March 27th, just a week following the Wicker Merrill meeting, John I. Blair reached Yankton, and his manner betrayed that a matter of importance burdened his mind, while his countenance and his few words expressed unfeigned indignation. He was accompanied by Dewitt C. Blair and Walter C. Larned, all of whom were directors of the Dakota Southern Railroad Company. The object of their visit was to investigate the method by which they had been divested of their majority ownership in the Sioux City and Dakota Railroad, and that thoroughfare transferred to the Chicago, Milwaukee & St. Paul Railroad Company. Mr. Blair first learned of the transaction last month on the 22d, while in New York, from an Associated Press dispatch in a New York paper. Mr. Wicker had previously notified Mr. Blair that a meeting of the board of directors had been ordered for the purpose of arranging for the payment of taxes, but made no allusion whatever to the leasing or sale of the property. Mr. Blair claimed that the action taken was nothing less than a conspiracy to defraud him of his rights. On the same evening a meeting was held at the office of the company in Yankton, called at the request of stockholders holding a majority of the stock in the Sioux City and Dakota company, at which meeting there were present John I. Blair, Dewitt C. Blair and Walter C. Larned, of Chicago, Illinois, all directors and stockholders of said company. At this meeting the following proceedings were had:

On motion it was unanimously resolved to adjourn to the Merchants Hotel, Yankton, and upon meeting at the Merchants Hotel it was moved and seconded that all directors of the law office of Gamble Brothers, at said Yankton. On motion, and second, it was moved and thereupon resolved that S. P. Wicker, of Chicago, Illinois, secretary pro tem. On motion, D. C. Blair, vice president of the company, was elected

appointed chairman of the meeting. The following preamble and resolutions were then presented and upon motion of Walter C. Larned, were unanimously adopted:

Whereas, At a meeting of four of the directors of the Sioux City & Dakota Railroad Company, held at Yankton, Dakota, on the 20th day of March, A. D. 1880, it was resolved, that the entire property, real and personal, of the Sioux City & Dakota Railroad Company, should be leased to the Chicago, Milwaukee & St. Paul Railway Company, for the term of five years at a yearly rental of 40 per cent of the gross earnings of said Sioux City & Dakota Railroad;

And, Whereas, It was at said meeting further resolved that a mortgage or trust deed should be made upon that portion of said railroad extending from Beloit to Sioux Falls, a distance of about twenty-two and one-half miles, to secure bonds to the amount of \$176,000, and that said stock should immediately be sold at not less than twenty-five cents on the dollar; and

Whereas, In pursuance of such resolutions such mortgage was immediately executed and such bonds and stock issued and sold; the bonds at ninety cents on the dollar and the stock at twenty-five cents on the dollar, to the Chicago, Milwaukee & St. Paul Railway Company, or some party acting on behalf of said corporation, and the said lease was immediately executed and the possession of all the property, real and personal, of the Sioux City & Dakota Railroad Company was immediately surrendered and turned over to the said Chicago, Milwaukee & St. Paul Railroad Company; and

Whereas, That said mortgage and the said issue of said bonds and stock, and said lease have never been authorized by the stockholders of the said Sioux City & Dakota Railroad Company, nor have the said stockholders been counseled in reference to any of said acts and doings; and all of said proceedings are fraudulent and void as against said stockholders; and

Whereas, a meeting of said company has been called to meet at the office of said company at Yankton, on Saturday evening, March 27th, by request of the holders of the majority of the stock of said Sioux City & Dakota Railroad Company; and

Whereas, The directors now present at said meeting, that is to say, John I. Blair, Dewitt C. Blair, and Walter C. Larned, represent and themselves hold, a majority of the stock of said company, that is, 776 and 710, the shares out of the 1,500 shares issued by the said company at the time said meeting was held on the said March 20th, said shares having been allotted to said parties as their stock in the said Sioux City & Dakota Railroad Company in exchange for 310 shares of the preferred stock of the Dakota Southern Railroad Company out of a total issue of 600 shares; and 760 shares out of a total issue of 1,500 shares of common stock of said Dakota Southern Railroad Company; and 160 shares out of a total issue of 300 shares of the Sioux City and Pembina Railroad Company, said two last named companies having been consolidated or attempted so to be, into Sioux City & Dakota Railroad Company. Now therefore, be it

Resolved, That the said lease so executed as aforesaid, is fraudulent and void, and that the said issue of bonds is fraudulent and void, and that we, directors of said company and the holders of a majority of its stock as aforesaid, do hereby rescind the said action of the said four directors and do declare the same to be unauthorized, fraudulent and void, and we do hereby declare all the acts and doings to be unauthorized, fraudulent, void, and of no effect, and we do wholly and utterly repudiate the said lease and mortgage and issue of bonds and stock, and declare the same to be of no binding force or effect upon said company.

And be it further resolved, That we, three of the directors of said company, here present and representing a majority of the stock of said company, do hereby protest against the action of the said four directors, and declare the said action to have been taken in pursuance of a fraudulent scheme on the part of said four directors, representing a small minority of said stock, to defraud the majority of the said stockholders, and to depreciate the value of their said stock, and to fraudulently dispose of, alienate and transfer the said railroad property in fraud of the rights of the majority of said stockholders.

And be it further Resolved, That we, three directors of said road and representatives of a majority of its stock as aforesaid, do protest against the action of Charles G. Wicker, the president of said railroad company, in calling said directors' meeting to be held on said March 20th, without giving any notice of the nature of the business to be transacted at said meeting, and do further protest against the action of said Charles G. Wicker, president of said company, in notifying the said three directors here present and representing and holding a majority of the said stock that no action of importance was to be taken at said meeting, but on the contrary said meeting was to be merely formal, and to carry out certain formal requisitions of the laws of Dakota; and we do declare said action to be grossly fraudulent, and a breach of trust on the part of said Charles G. Wicker.

And be it further Resolved, That the secretary pro tem of this meeting, prepare or cause to be prepared, a copy of these resolutions, and that the same be presented to one Milligan, now in possession of the books of said company, and calling himself the secretary thereof, accompanied by a demand that he spread the same upon the records of said company, and that a copy of these resolutions be prepared or caused to be prepared by said secretary pro tem, and served upon Mr. Van Horn, general superintendent, and Mr. S. S. Merrill, general manager, of said Chicago, Milwaukee & St. Paul Railway Company,

accompanied with a formal demand upon the said Chicago, Milwaukee & St. Paul Railway Company, to deliver up possession forthwith of the said Sioux City & Dakota Railroad and its property to the said directors owning and controlling, holding a majority of the said stock, as aforesaid.

D. C. BLAIR,
Director and Vice President of the Sioux City & Dakota Railroad.
JOHN I. BLAIR AND WALTER C. LARNED, Directors.
S. P. WISNER, Secretary, pro tem.

On the 17th of April, 1880, an action was begun in the District Court of Yankton County by Mr. Blair in his own behalf and in behalf of all the stockholders interested with him, asking an injunction to restrain the Milwaukee company from exercising the function of manager of the road, and requesting the appointment of a receiver. Gamble Brothers, of Yankton, represented Mr. Blair as attorneys. At the same time Mr. Blair's complaint was filed, setting forth mainly:

That negotiations had been pending last November, in which the Milwaukee Company had endeavored to purchase of Mr. Blair the Dakota & Sioux City lines, but were not successful for the reason that Mr. Blair refused to sell.

That in the summer of 1879 a contract was made between the Sioux City & Dakota Railroad Company of the first part; and the Chicago & Northwestern; the Illinois Central, and the Sioux City & Pacific, of the second part, by which the Dakota lines were to receive a 10 per cent drawback or profit on all freight shipped on either of the three roads; further, that the three roads agreed to ship iron for the Dakota lines at a very low rate.

That Blair and Wicker had agreed for an extension of the Dakota Southern branch for a distance of 150 miles north or northeast of Yankton, which would bring increased business.

That Blair had built the extension of the Pembina line from Beloit to Sioux Falls, a distance of 22½ miles; no other person furnishing any money, at a cost of about two hundred thousand dollars.

That in order to defraud Blair of his interest, a secret understanding was entered into between Wicker and Milwaukee officials, that a directors' meeting of the Sioux City & Dakota Company should be called on March 20, 1880, and that control of the road should be passed over to the Milwaukee; that a mortgage should be given on the Beloit extension to Sioux Falls for about one hundred and ninety-eight thousand dollars; and that shares amounting to about one hundred and seventy-six thousand dollars should be issued to Alexander Mitchell, or someone in the interest of the Milwaukee Company; the mortgage to contain a provision that if interest was defaulted for thirty days, the entire mortgage to become due and be foreclosed.

That Blair was not informed that such proceedings were intended at such meeting. That four directors of the company met at such meeting, to wit: C. G. Wicker, W. W. Brookings, George E. Merchant, and N. B. Briggs; and that S. S. Merrill, manager of the Milwaukee, and John W. Carey, solicitor, were present, and came with the bonds printed and prepared and a trust deed prepared and acknowledged by John Johnson, a person in the interest of the Milwaukee, two days prior, in Milwaukee. That resolutions were passed; bonds executed that night, and mortgage recorded the same night; and Mr. Wicker transferred to Mitchell all his stock; and the road was fraudulently turned over and taken possession of by the Milwaukee.

That the lease provides for a rental of 40 per cent of the gross earnings.

That the Milwaukee Company has entire control of the freight passing over the road, and it is for their interest to ship nearly all of it on a competing line running to Running Water, owned by the Milwaukee, and to turn all freight coming by way of Sioux Falls east from Canton. That as there is no guarantee that there will be any freight on the Dakota lines it being in the interest of the Milwaukee to ship on their own lines, the 40 per cent rental may be reduced by the Milwaukee to a mere nominal sum, rendering the stock of Blair and others, practically worthless.

That the real object of the Milwaukee in securing this control, was to defeat the extension north from Yankton, of the Sioux City & Dakota line, and give the Milwaukee entire monopoly of the railroad business in Southern Dakota.

The Supreme Court of the territory was in session at the time this complaint was entered, and a decision on its application was not expected until its adjournment. In the meantime the Dakota lines were operated by the Milwaukee management.

The case of Mr. John I. Blair against the directors of the Sioux City and Dakota Railroad Company was heard by Judge Peter C. Shannon, chief justice, on the 10th of June, 1880. Mr. Blair asks the court to enjoin the Milwaukee

company from operating the road, and also for an order setting aside the lease to the latter company. The demand for a receiver had been withdrawn by Blair at the hearing in May.

The proceedings at this hearing were interesting as showing some of the details of prior transactions. When Mr. Blair secured an interest in the Dakota Southern and Pembina roads he purchased 3,100 shares of preferred stock for 15 cents on the dollar, and 4,776 shares of common stock for 7½ mills on the dollar, making his total investment by which he secured 52 per cent of the stock on the two roads named for \$50,000. He afterwards furnished the money for the construction of the road from Beloit to Sioux Falls, about two hundred thousand dollars, a distance of 22½ miles. Mr. Blair had presented the draft for \$198,000, sent him by Mr. Wicker, which had been paid.

At a meeting of the board of directors of the Sioux City and Dakota Company held June 12th, it was ordered that the president, Mr. Wicker, proceed to construct what is known as the Elk Point cut-off, and also a line from Yankton to Scotland, and to issue stock and mortgage bonds upon said extensions to the amount of \$8,000 per mile, and directing that the bonds shall not be sold for less than 90 cents, or the stock for less than 25 cents on the dollar. At this stage J. R. Gamble, attorney for Mr. Blair, served upon the directors an order from the District Court enjoining them from the issue of the proposed stock. Mr. Blair still had \$50,000 interest in the road represented by his 52 per cent of the stock.

In this hearing Mr. Blair asks for a restraining order upon the ground that the directors of the Sioux City and Dakota Railroad Company and the Milwaukee company, by the proposed issue of stock are actuated by a motive to fraudulently deprive him of the control of the former road to which he is lawfully entitled by the ownership of the 52 per cent of its stock. The defendants on the other hand deny any such intention. They aver that their only desire is to add to its facilities and value, and to enable them to do this they propose to follow the policy practiced by railroad corporations—issue stocks and bonds upon which to raise the money required. Bartlett Tripp and General Carey in their argument, stated that they would agree to a stipulation that the proposed issue of stock should be put up at auction and so sold to the highest bidder. If this was not satisfactory then they would agree—and they made a written proposition to this effect—that the court should make an order that the stock on the Elk Point cut-off on the line from Yankton to Scotland, should not be sold for less than 100 cents on the dollar; that Mr. Blair should have an opportunity of taking it at that price, and if he did not choose to do so, then the Milwaukee company would take it dollar for dollar, furnish the money, and cause the immediate construction of the line from Yankton to Scotland.

The closing arguments indicated that the whole matter depended on the validity of the lease, and the roads and the court took the whole matter under consideration.

As a counter-proposition for the building of the Yankton-Scotland line, Mr. Blair authorized the statement from him that if the Milwaukee line desires to build that line, he (Blair) will furnish one-half the money required, without the issue of stock or bonds, and when the questions now in court are decided, if they are decided against him then the Milwaukee company is to refund to him the money he puts in and own the road; but if the decision is in his favor he will pay to the Milwaukee company the money it has advanced and he will own the road. The Milwaukee company declined to accept this proposition.

As there was substantial sentiment among the citizens of Yankton in favor of the speedy completion of the Scotland line, these propositions for building the road from each of the litigants, were doubtless intended to throw the responsibility for the delay on the "other fellow."

In July following Judge Shannon rendered his decision on the application of Mr. Blair for an order restraining the Sioux City and Dakota from building the

line to Scotland and issuing bonds and stock for that purpose. The judge denied the order, and left the company free to proceed with their plans for the construction of that line.

This decision of the court was followed a month later by a sale of Mr. Blair's interest in the Sioux City and Dakota lines and the abandonment of litigation. The Milwaukee company became sole owners of the lines, and sole monarch of the railway transportation interests of Southeastern Dakota. A portion it has not since relinquished.

A reorganization meeting was held at Yankton, about the 27th of July, in the directors car of the Milwaukee road (having adjourned from the depot), at which the resignations of the old board of directors of the lines were received and accepted, Mr. Blair and Mr. Wicker included. A new board of directors was chosen consisting of Alexander Mitchell, M. Meyers, S. S. Merrill, J. W. Carey and W. C. VanHorn, to which were added W. W. Brookings and Geo. E. Merchant, representing Dakota. Mitchell was elected president of the road and Carey vice president. P. M. Meyers was elected secretary. The matter of extending the line to Scotland was favorably considered, but nothing definite was done. The termination of this contest was not advantageous to Yankton; it would have been vastly better served had Blair been successful, for in that case Yankton would have gained the Milwaukee which at that time was under construction from the Big Sioux; which would have given it a competing line to Chicago. When the Milwaukee absorbed Mr. Blair's Dakota Southern interest it dropped this extension leaving the road bed partially graded.

Mr. Blair did not handle his advantage in Southeastern Dakota with his accustomed shrewdness and ability. He had the entire territory south of Sioux Falls and a line extending west from that point, in his own hands at the opening of 1879, and doubtless this advantage was apparent to him when he secured the majority ownership in the Wicker properties. He had also the entire transportation interests of Sioux City, except the steamboat lines, under his control, and yet his competitor was able to wrest all his Dakota holdings and exclude him from the field in a little more than a twelvemonth after it entered the territory. The Milwaukee was aggressive and adventurous—Mr. Blair was timid and uncertain. He apparently failed to realize even partially what the development of this country would do for the transportation interest. He had also passed the age when ambition seeks for aggrandizement; he had been a great force in the railway development of Iowa where he was given a clear field and little opposition; but when he came against uncompromising competition in his own field he lacked the combative qualities essential to success.

Our history has followed the legal steps of this famous case through the courts to the highest tribunal in the Government, in order to clear away any erroneous opinions that may linger in the minds of any portion of our people regarding Yankton County's responsibility for the delay in paying the interest on the bonded debt; and also to show that the people of the county had no part in instituting any legal proceedings that might have resulted in invalidating the bonds. In other words the people had never harbored any purpose, even remotely, of repudiating the debt. The most that can be urged in favor of such a charge is, that long after the collection of the interest payable on the railroad bonds had been enjoined by the court, and in the new light which the litigation had furnished, there were many who saw a probability of relief from the debt through Congress providing for its payment, inasmuch as the territory had been denied the aid of a grant of land to any of her territorial railroad enterprises, while such favors had not been withheld from other territories and states contiguous to Dakota.

CHAPTER LIV

DAKOTA VIEWED FROM THE MISSOURI RIVER—WARM DELEGATE CONTEST

1872

A VOYAGE UP THE MISSOURI RIVER FROM YANKTON TO BISMARCK—INDIANS AND INDIAN AGENTS ALONG THE ROUTE—THE TIMBER CULTURE ACT—WILLIAM WELCH AND OTHERS VISIT THE SIOUX—NORTHERN DAKOTA A NEW FACTOR IN POLITICS—PRESIDENTIAL ELECTION—CANDIDATES—TERRITORIAL ELECTION—CONVENTIONS—NAMES OF DELEGATES AND CANDIDATES—THE LIBERAL REPUBLICAN PARTY—HORACE GREELEY ABANDONS THE REPUBLICAN PARTY—NOMINATED BY THE LIBERALS AND SUPPORTED BY THE DEMOCRATS—PRESIDENT GRANT RENOMINATED—ANTI-GREELEY DEMOCRATS NOMINATE O'CONNOR AND ADAMS—JUDGE BROOKINGS AND COLONEL MOODY RIVAL REPUBLICAN CANDIDATES FOR DELEGATE—ARMSTRONG RENOMINATED BY DEMOCRATS—ARMSTRONG ELECTED—DELEGATES TO NATIONAL CONVENTION—GENERAL BEADLE REPUBLICAN NATIONAL COMMITTEEMAN—L. D. PARMER DEMOCRATIC COMMITTEEMAN—WHEAT AND FLOUR.

INDIAN AGENCIES AND INDIANS

A journey by way of the Missouri River to the Indian agencies and military posts bordering that stream in 1872, which at that time was a great commercial artery sustaining a fleet of seventy-five steamboats, was undertaken by a party composed of those desirous of getting some information at first hands concerning the condition of the Sioux Indians, who were then officially located along the river, but the great majority of each tribe was off in the interior on their summer hunt. These Indians, at this time, were presumed to be taking their initial steps in learning something of the white man's ways of living and making a living. The Government was exerting its authority to make successful the new "peace policy," but had not made much progress in inducing the Indians to adopt the industrial features of the new plan and the Spotted Tail and Red Cloud Indian agencies had not yet been settled in a permanent locality, but were being located satisfactorily during this season. Entering upon their errand at the Santee agency, opposite Springfield, Dakota, the scribe selected by the party of journeying inquisitors, made notes, as follows:

On the Nebraska side we come to the first Indian agency, that of the Santee Sioux. This is a portion of the tribes which were engaged in the massacre of whites in Minnesota several years ago. (Little Crow's, 1862.) They give the most promise of civilization at present of any portion of the great Sioux family. They number about one thousand, and are in charge of the Friends, though the Presbyterians and Episcopalians have missions there with schools and churches.

A. M. Janney, agent of the Santee Sioux Indians, resigned that position in June, 1871, and J. P. Webster, another Quaker brother from Pennsylvania, succeeded him. The Quakers had been conceded, under the new peace policy of President Grant, the care and instruction of all the Santee Sioux, together with the management of their intercourse with the Government; and their administration during the two years' incumbency of Mr. Janney, had disclosed their fitness for governing the savage people successfully. The

Santees had made surprising advancement in the brief time they had been under the tutelage and direction of the peace loving sect that, under William Penn, had rescued Pennsylvania's tribes from barbarism without resort to war, and the practical adaptation of the Penn policy among the Santees had been crowned with a success as complete as it was gratifying, especially to the Quaker brotherhood.

The Indians dress to a considerable extent in citizen's clothes—are quite industrious—for Indians, and many of them live in log houses instead of tepees. A large portion of their lands have been allotted to them in severalty. Some three years ago a number of families of this tribe, dissatisfied with the delay in allotting their lands, left their reservation and took homesteads on the Sioux River in Moody County. In doing so they renounced all tribal relations, and considering the obstacles they had overcome have succeeded wonderfully. They had nothing but their bare hands, with a few axes and agricultural implements to begin with, but they have built houses, and have raised enough to sustain themselves. The settlement now comprises about fifty families; they have schools and churches, and are good sober citizens. They certainly deserve encouragement. This is the first and so far as we are aware, the only instance where Indians have voluntarily left their reservation, where they were furnished food and clothing, and have in so short a time become entirely self-sustaining.

A few miles above the Santee Agency is the mouth of the Niobrara River, which enters the Missouri from the west and formed the southern boundary of Dakota for some two hundred miles. (This was an error. The Niobrara formed the southern boundary as far west as where it received the waters of the Kaha Paha, thence up that stream to the 43d parallel and thence west along that parallel.) Lying north of the Niobrara and west of the Missouri the Ponca Indians have a reservation of 75,000 acres. As they number but about 750 persons this gives them about 100 acres each. They have 400 acres under cultivation, and last year raised 600 bushels of wheat and about 6,000 bushels of corn. The agency is in charge of the Episcopal Mission, with Maj. A. J. Carrier as agent, and the Indians are well advanced toward civilization. They are not Sioux and bear no relation to them but one of unremitting enmity. Hemmed in as they are by their natural enemies, they are liable to raids from hostile bands west of them and neither their ponies or scalps are safe if they get away many miles from their agency. They were once a powerful tribe, and are yet large and well built, and the superior, both in strength and courage, to the Sioux. They are very nearly self-sustaining and live almost exclusively in log houses, receiving less assistance than any tribe on the river. Living in constant fear of the Sioux, however, and being so few in number, they have not much ambition for the future, and the tribe has seen its best days.

Directly across the Missouri, on the eastern shore, is the reservation of the Yankton Sioux. It extends thirty miles up the river to a point opposite Fort Randall, and contains 400,000 acres. The tribe numbers nearly two thousand and is entirely peaceable and advancing toward civilization. The Episcopalians and Presbyterians both have churches at Greenwood, the agency, and schools at several places on the reservation. Many of the Indians live in log houses, but they only take moderately well to farming.

The first military post is that of Fort Randall. It is 100 miles by river and seventy-five by land from Yankton, the capital. It is in command of Col. Elmer S. Otis, and is situated on the west bank of the river. Twenty miles above the fort is the Whetstone Agency, which was one of the most important on the river until last year, when the main agency, with all of Spotted Tail's Indians, was removed about one hundred and twenty-five miles west to a new location on the Rosebud Creek, a tributary of White River. Some few Indians remain at the old agency. We doubt if the transfer of this agency was really a good one. It certainly was not for the Government, which has now to transport the Indian goods so far overland; and the Indians, who had shown strong indications of civilization, and had many advantages which they are now deprived of, are now located so near the hostile tribes that it will be hard for them to behave themselves, even if they want to be good. But the removal was made at the urgent demand of a very large majority of the Indians with Spotted Tail, its insistent advocate.

We are now coming to the Indian country where white men are regarded as intruders, and where their scalps are at a premium.

White River empties into the Missouri at about latitude 43 degrees and 30 minutes, and is one of the most important tributary streams of this section. Spotted Tail's Indians are known as Brules of the Platte. Closely allied to these are the Lower Brules, who crop out along the Missouri above the mouth of the White River. They have a sub-agency on the west side of the Missouri eight miles below Crow Creek or Fort Thompson, the main agency being at the latter place. The Lower Brules are not nice Indians by a good deal and do not civilize very fast.

At the main agency at Crow Creek, or Fort Thompson, which is on the east side of the river, the lower Yanktonians band is located. These Indians are much better disciplined than the Lower Brules, and considering surrounding discouragements they promise exceedingly well. They are fortunate in having a model agent, Maj. H. E. Livingston, who has charge. He has been among them several years, at first as their physician and has their entire confidence and respect. He is painstaking, ready to listen to them and has reached that point where they know that his "No" is the end of the matter. He has done

strated most satisfactorily the true theory of managing Indians by his own course towards some of the worst on the river. He has made them but few promises, but these he has kept, and while holding them just as scrupulously to their work, none of their requests have been too insignificant to receive his attention. A good Indian agent is a very difficult thing to find. Between the eastern theorist, who has no real knowledge of Indian character, and the western man, who "knows all about him" and believes him a scoundrel through and through, the redskins are being treated to a great variety of training, and are having a pretty good chance to study white men.

Two hundred miles above Fort Randall by stage road, and about three hundred by river, is Fort Sully, Crow Creek being about half way between the two. Fort Sully is the finest and best built military post on the river, and is headquarters of the military division. General Stanley, who is in command, is now absent in charge of the exploration party which left Fort Rice recently. The military escort comprises a force 1,200 strong, well armed and equipped, the object being to furnish safe conduct to General Rosser and his party of engineers in search of a route for the Northern Pacific Railroad west of the Missouri. The Indians feel intensely hostile towards them and would do them serious damage if they dared to. Fort Sully is in communication with Sioux City by telegraph, and keeps pretty well posted regarding the affairs of the world at large. They have the press reports telegraphed through from Yankton every morning. The officers indulge in fine horses and hunting dogs, and have a decidedly active world of their own.

Fifteen miles above Sully, on the west bank, we come to the "worst agency on the river"—Cheyenne. The Indians here have never been anything else than hostile; but they have been going backward rather than forward of late. They have had for a year or more an agent from New York City, a theorist, who promises well but performs wretchedly. He was soon at loggerheads with the military and with all the white men there. When we left, the arrival of his successor on the boat behind us was anxiously looked for. I do not imagine he was a bad man at heart, but he was made up of theories which would not work, and he was incensed and provoked because they would not. Matters had reached that condition when two soldiers had been waylaid and shot within a week before our arrival, and the Indians had engaged in a genuine war dance on last ration day. When it is considered that some seven thousand Indians draw rations here, the situation cannot but be regarded as serious. For some miles below, the villages, composed of canvas tents and tepees, dotted the hillsides, while their horses could be numbered by thousands. It is in these horses or ponies that the wealth of these wild Indians is counted. They do not pretend to plant anything, and they raise no other kind of stock except dogs. Many of their ponies are small, trim and neatly formed, but most of their horses are "American" ones. They are not anxious to sell them but a fair one can be bought for from forty to fifty dollars, the money afterward going to the post trader for about half its value in beads and blankets. A motley crowd of five or six hundred gathered at the landing place of the boat, and we had an opportunity of witnessing a bit of tomahawking done scientifically. Two squaws were standing with the crowd quite near the boat, when one suddenly drew her tomahawk and attacked the other. The first blow cut a piece out of the side of her head, and the second was still better aimed, but her weapon caught in her blanket and the blow fell short. By this time the warrior squaw was secured, and the wounded one taken away to be treated. We afterwards learned that the cause of the quarrel was the old story of jealousy. An old chief, Lone Horn, had one old squaw and took another not so old. He seemed to like the younger one best. The older one grew jealous, concluded to kill her rival, and undertook to do this in as public a manner as possible. We learned some time later that Lone Horn, in order to get rid of his domestic troubles, abandoned both and made a new alliance.

These wild Indians look much healthier and stronger than those who are more civilized and are cultivating the arts of civilization. All these wild Indians retain their custom of burying their dead on scaffolds, and in the upper country these scaffolds are always in sight, perched upon the highest point of land. The dead are never buried in the ground, but are wrapped in their blanket or robe and laid upon poles some ten feet high. A favorite horse is usually killed also and laid under the scaffold to bear his master away to the "happy hunting grounds." These scaffolds are guarded with the greatest care. They appear so frail, and located as they are in the most exposed places, one would suppose they could not remain standing long. The captain pointed out one that he had himself known as a landmark for the past sixteen years.

Big Cheyenne River, above the Cheyenne Agency, rises in the region of the Black Hills in the western portion of the territory, the two main branches almost completely encircling them. These hills take their name from the immense pine forests which cover the upper part of them, making them appear quite black in the distance. They are known to be rich in gold, silver, lead, and other minerals. A great excitement was raised last spring in regard to them, and several expeditions were planned at Yankton and other points, for the purpose of exploring them despite the opposition of the Indians. The Government stepped in, however, and proclaimed, through the military, that no such expedition would be permitted. The expedition furor then subsided. The hills are located at the very heart of the hostile Indian country, and any invasion of them at this time would meet with their determined and violent opposition. It is evident, however, that their full

exploration cannot be much longer delayed, as the stories which have been told concerning them have aroused the old spirit among miners and adventurers who act upon the principle that no man, especially no "bloody redskin," who cares nothing about gold and silver, and to whom it is of no value, shall act the dog in the manger, and prevent people from getting it who want it and can make use of it.

Antoine LeBeaux, the little French wood-chopper, whom we took on board a few miles above Cheyenne Agency, at his woodyard on the east or "peaceable" side of the Missouri, has been a resident of the West for many years, and had enough of exciting adventure in the Platte Region in Nebraska, to satisfy even a frontiersman. He is as familiar with all this section of the West as a school boy is with his own township, having tramped over it when the Indians had a much wider range, and when they did not think it necessary to watch their possessions with so jealous an eye. Antoine talks English fairly, is modest and unassuming, and imparts his information without evincing any spirit of exaggeration. He has one squaw wife, I know, but I will not say he has two. He is quite fond of his family and a genuine affection for his children, who he says shall have anything they want that is good for them so long as they are obedient and industrious. He keeps a herd of cows, has plenty of chickens, and can get an antelope whenever he wants one. In this respect he is quite above the average wood-chopper found along the river, who live in a log hut called a "shack," unless he prepares for feeding and lodging the way-farer, when his domicile is called a "chuck-house." His usual diet is short-cake and molasses, with bacon and whiskey to give him the proper nerve, and his favorite amusements are playing poker and firing at a mark. When a number of these fellows are met together by chance, with perhaps a cattle contractor and herder or two, this latter propensity is manifested in a lively way. Pistol balls fly around the room pretty thickly, a favorite trick being to snuff a candle held on the head or in the hand of another. When it is considered that they are somewhat inebriated, it is a wonder that more are not killed in these jollifications. But this seldom occurs. The sober, quiet man, who declines to join in these festivities, is in more actual danger at such a time, as somebody usually finds it necessary to force a quarrel upon him. These men have also good traits. They are generous, hospitable, and thoroughly honest in their dealings with each other. If the shack is graced with a female, it is always a squaw, of course. No other woman would go there to live; and the woodman has another motive in marrying a squaw, for he thereby expects to secure himself from molestation from her tribe, and he can learn through her of any hostile designs upon him or his neighbors. But this matrimonial connection has its drawbacks also, for the squaw is found to have any number of "cousins" who are glad to visit their fortunate relative and who must be fed, otherwise he is put down as a "seck-pablae."

At Grand River Agency at the mouth of Grand River, about half way between Fort Sully and Rice, about seven thousand Indians belonging to five bands of Sioux are subsisted. They are not all there all the time, especially during the summer, when many of them prefer the hostile camps, but there is a good sized delegation to be fed, and their tepees and ponies dot the hills for several miles above and below the agency. One band, the Lower Yanktonians, under Two Bears, are located on the east side of the river, and are giving their attention quite zealously to farming. Col. J. C. O'Connor is the agent and an excellent official. His Indians are inclined to be hostile, but he keeps them well under the curb and bit. The Indians are opposed to the extension of the Northern Pacific Railroad west of the river, and will fight it if they are not kept in subjection by a good force of soldiers and a wise and alert agent. A healthy effect was produced upon these Indians, July 4th, by an exhibition of the power of cannon, the commander of the post desiring to show them that they could not get out of his reach in a minute. The distance at which he was able to throw shells and their explosion after they "got there" was a source of profound astonishment to the chiefs and braves. They were still more at loss to understand the Gatling gun, which "takes in the bullets like a coffee mill and scatters them like a bad storm." There is Grand River is the finest collection of Indian curiosities on the river. All the war implements have been much service.

Fort Rice is found to be finely located on an elevated plateau, on the west bank of the river, and in command of Gen. T. J. Crittenden. The North Pacific crossing is about fifteen miles above Fort Rice by land, but twice that distance by river. We reached there at an early hour in the morning. The place is infested by mosquitoes, much as some that they are regarded as dangerous. Mosquito bars are used everywhere. We were surrounded in them and on three or four deep, and yet they did not operate. The mosquitoes have sharp bills, that penetrate thick clothing, while sharp, needle-pointed iron bars, covered with thick blankets, is out of the question. It is particularly annoying for us, as we are with our heads swathed in mosquito netting, and finally our head with a cloth band. The country about the proposed crossing is much better than I had expected to find from the information I had. There is a good supply of timber and grain, and though cottonwood is harder and much better than the further south.

The new military fort, "Fort McKean," was located about August 4th, 1874, some miles south of the mouth of Heart River on the west bank of the Missouri. It is on a very high point, commanding a view of forty or sixty miles in every direction.

The railroad town, called Edwinton is on the east side of, and about five miles back from the Missouri River. It is handsomely located and already has a population of about

seven hundred. The railroad will not be completed to the Missouri until some time next year. Surveys are being prosecuted west of the river under the protection of 1,200 troops commanded by General Stanley, this being considered necessary to keep the Indians from preventing the surveys, which they declare they are determined to do, and have already made some harmless attacks. As it will not be practicable to keep this military guard and probably a much larger one, as work on the road progresses, it is being arranged to take a large delegation of the different recalcitrant tribes to Washington for the purpose of amicably adjusting the difficulty. This would have been done earlier, but the Indians are slow to move, doubtless expecting to gain advantage by delay. Their leading men realize that the road will be built, but they are desirous of making the Government pay them well for being good.

Our trip west and north must terminate here as our cargo belongs to the military stationed here at Fort McKean, with some shipments of merchandise to individuals at and around Edwinton, who are preparing to become the pioneer merchants of the town that will grow up at the railroad terminus.

Fort McKean was found too exposed to the elements and too inaccessible on the high point on which it had been built, and was abandoned and a new fort constructed on the lowland and named Fort Abraham Lincoln.

During the latter part of 1872 a military post was erected at Cheyenne Agency and called Fort Bennett, and garrisoned by United States troops. The step was deemed necessary to protect the agency and control the insolent and unruly classes among the Indians. Fort Sully was fifteen miles away, on the east bank of the river, and in case of emergency could not extend assistance.

WILLIAM WELCH'S VISIT

William Welch, Doctor Paddock and Colonel Kemble, composing the executive committee on Indian affairs of the Episcopal Church, accompanied by Mrs. Rumney, a devoted missionary woman who desired to inform herself regarding the conditions of the Indians, made an official visit to the various Indian agencies in Dakota in the summer of 1872, which had been placed by the Government in their charge. These agencies included the Yankton, Lower Brule, Crow Creek and Cheyenne on the Missouri River, and the Rosebud or Spotted Trail west of the river. They reported, after their visit and investigation, that the material condition of the Indians was better than they expected to find it. The Indians generally were contented, and, for Indians, quite industrious, and thoroughly peaceable. A number of missionaries from this church were placed in the Indian field at this time. The Cheyenne agency provided for about 7,000 Sioux—many of them—in fact most of them not yet weaned from the chase and the wild ways of Indians, though apparently disposed toward peace with the whites, but omitting no opportunity to battle with other nations of their race, including the Crows, Mandans, Gros Ventres and Rees. It was furthermore charged and well supported that the Cheyenne agency, owing to the great numbers of Indians who were provided for at that point under treaties, furnished an asylum for thousands of hostile Indians, many of whom were at this time making trouble under the direction of the crafty Sitting Bull, along the proposed route of the Northern Pacific Railroad west of the Missouri River. These savages could aid Sitting Bull in his predatory warfare and then could return to this agency and draw their rations without being detected, and in this way the Government was feeding and supporting a large contingency of the force that was opposing the troops sent out to protect the engineers who were engaged in running the lines for the future railway to the Pacific. While this was known to be practiced, the utmost vigilance failed to discover the individual Indians who were guilty. The friendly Indians who, it was morally certain, knew these hostile parties, could not be induced to betray them. The absence of such parties from the agency did not necessarily mean that they had gone to assist the hostiles, it being a custom of the Indians to go out for a hunt or for other peaceable purposes and remain away for weeks. It seemed they were free to go and come, though not permitted to go beyond their own reservation, but there was no one to watch them and ascertain

whether they violated their privileges. The military people repeatedly charged that the agency Indians furnished Sitting Bull with much of his best equipped army. Major Bingham, a very worthy and competent man as his subsequent career proved, was installed as agent here in 1872, superseding the military agent, Major Kues, who returned to the army.

The winter of 1871-72 had been severe west of the Missouri. The Indians lost hundreds of ponies, and a number of their women and children perished. Thousands of buffalo, in various herds, unable to paw through deep snow for grass, perished of starvation. Snow fell on fifty-six days between the 1st of December, 1871, and February 28, 1872, and a number of blizzardy storms, lasting from two to three days, were experienced within the snowy period.

TERRITORIAL POLITICAL SITUATION

The settlements made by white people at various points in the northern part of the territory, notably on the line of the Northern Pacific, introduced a new factor into the political arena of the territory, and gave to those new communities, properly enough, considerable importance in the eyes of the politicians of the older settled sections south.

The year 1872 was an important one politically. A President of the United States was to be elected, and General Ulysses S. Grant, with Hon. Henry Wilson, of Massachusetts, as his running mate, was the candidate of the republican party for a second term; opposed on the democratic side by Horace Greeley and B. Gratz Brown, of Missouri, who were the candidates in fact of the liberal republican party, but had been tacitly endorsed by a convention of the democratic party, which made no nominations, though subsequently a special democratic convention was held and nominated a straight democratic ticket composed of Charles O'Connor and John Quincy Adams. This liberal republican movement was well represented in the territory.

In the new northern sections which had recently been occupied, and had grown to numerous bodies of voters, the regular old line republicans were largely in the majority, but there was considerable dissatisfaction apparent regarding the apportionment of legislative representatives in 1871, also in the number of delegates apportioned to that section by the territorial committees of the leading parties, which resulted in the organization of a separate party and a separate ticket by the republicans of Cass County, where it was claimed a large number of voters resided. The claim was made that in the Red River Valley there were nearly two thousand legal voters, and as many more along the line of the Northern Pacific road to Bismarck, the latter place claiming 1,000.

These claimed voters were not all of one party. The democratic element had the like list of grievances against their southern party brethren as those alleged by the republicans. The outcome of this situation was the candidacy of Henry S. Back, of Fargo, for delegate to Congress, who was supported by the members of both parties. He appears to have been placed in the field by popular consent as one of the earliest settlers and a public spirited and able man. In the southern portion of the territory the republicans had divided, as usual, and presented two candidates, W. W. Brookings, and Gideon C. Moody, while the democrats and liberal republicans had united and nominated Moses K. Armstrong, the then incumbent of the office.

There was another, and the most powerful, factor behind this independent political movement in the north; which was no less than the securing of a division of the territory on the line of the forty-sixth parallel.

At the time the preliminary steps were taken to inaugurate the political campaign of 1872 in Dakota, there was a promise that the Burleigh and Spink wings of the republican party would coalesce and form a united party. Neither Mr. Burleigh or Mr. Spink were candidates at this time and would not become candidates unless unforeseen favorable contingencies occurred. The very annual

clear for holding one republican convention only. The most prominent candidates before the people were Judge W. W. Brookings and Col. Gideon C. Moody, both Yankton men; and others not so prominent as candidates but leading men of the territory whose claims for the nomination were advocated, were Gen. W. H. H. Beadle, surveyor general; ex-Chief Justice Ara Bartlett; Col. John L. Jolley, of Clay County; Capt. A. B. Wheelock, of Lincoln County; and Alexander Hughes, of Union County. While Messrs. Burleigh and Spink were not personally in the field, it was apparent early in the season that the Burleigh faction were supporting Colonel Moody, and the Spink faction sustaining the claims of Judge Brookings. Mention has heretofore been made of the schism existing at Yankton, the capital of the territory, growing out of the rivalry between Broadway and Capital Street. This rivalry had begun in 1869, when the lower town interests united for the purpose of making Capital Street one of the business centers of Yankton. While it was customary with some to attribute the origin of the political factions which made up the leading political party, to a rivalry between Broadway and Capital Street, it is more probable that the factional spirit grew out of the ambitions of two of the most prominent leaders at that time, both residents of Yankton; Moody residing in the Broadway territory but having no speculative real estate interest in either section, while Brookings was one of the promoters of improvements on Capital Street. Mr. Armstrong, however, the democratic candidate, was more zealous and more directly interested than any in building up Capital Street, and he was cordially supported by the democrats of the city, many of whom were largely interested in the prosperity of Broadway. It was not Yankton County alone that was divided in support of these two Yankton County men, but every organized county in the territory, and there were but few, save Union but was discovered to be in the same condition, with its Brookings and Moody faction.

The election of two years before, when Burleigh and Spink divided between them the vote of the republicans for delegate to Congress, had bequeathed to the party two organizations with two territorial central committees: George H. Hand, as chairman of one, representing the Spink element; and Labam H. Litchfield as chairman of the other, representing the Burleigh faction. These gentlemen, for the purpose of uniting the party and to promote harmony, joined in calling the two committees together in April, 1872, at which meeting it was unanimously agreed to "bury the hatchet." At the same meeting the two committees united in issuing a call for a territorial convention in words following:

Office Territorial Central Committee.

Yankton, D. T., April 10, 1872.

A territorial convention of the republican party of Dakota Territory will be held at Canton, on Tuesday, May 21st, 1872, at 2 o'clock P. M., for the purpose of selecting two delegates to the National Union Convention, to be held at Philadelphia, on the 5th day of June, 1872; and also to nominate a candidate for delegate to Congress; territorial auditor; treasurer, superintendent of public instruction, and commissioner of immigration, and for the transaction of such other business as may properly come before it. The ratio of representation will be one delegate from each county in the territory, and in addition thereto, one for every fifty republican votes or fraction over twenty, cast for delegate to Congress at the general election in 1870, as follows:

Union County, 11; Clay County, 10; Yankton County, 12; Bon Homme County, 4; Lincoln, 6; Minnehaha, 4; Pembina, 1; Charles Mix, 3; Buffalo, 2; Hutchinson and Hanson, 1; Brookings and Deuel, 1; Turner County, 1.

GEO. H. HAND, Chairman,
J. O. FITZGERALD,
G. P. BENNETT,
F. J. CROSS,
O. B. IVERSON,
Territorial Committee
Spink faction.

L. H. LITCHFIELD, Chairman,
N. E. PHILLIPS,
C. L. GARDNER,
H. J. AUSTIN,
W. H. HOBBS, CH.
JOHN W. OWENS,
E. LEGRÉ,
Territorial Committee,
Burleigh faction.

Accordingly the territorial convention was held at Canton pursuant to the call. The preliminary contest for delegates in the various counties had been spirited, and as a sequence to the acrimonious and bitter feelings entertained by many members of the party, bequeathed by the contest of 1870 there were a number of what were known as "double headed" delegations at Canton, on the morning set for the convention. The proceedings of the various county conventions show the relentless factional feeling entertained.

Prior to the assembling of the convention at Canton either the evening previous or on the morning of the convention, the united territorial committees held a meeting for the purpose of settling upon a plan of organizing the convention, and the admission of delegates to the preliminary organization. At this committee meeting, H. J. Austin, of Clay, was made chairman, and Nye E. Phillips, of Minnehaha, secretary. There were present H. J. Austin, L. H. Litchfield, J. Q. Fitzgerald, G. P. Bennett, F. J. Cross, O. B. Iverson, C. L. Gardner, E. LeGro, N. E. Phillips, Geo. H. Hand, represented by proxy. A motion by L. H. Litchfield that the committee issue tickets to the delegates entitled to seats, was carried by a vote of eight to two. In regular order and on motion the committee voted to issue tickets to the delegation from Clay County of which F. J. Cross was a member; to the Union County delegation of which E. LeGro, was a member; to the Lincoln County delegation of which A. B. Wheelock was a member; of the delegation from Minnehaha County of which John Thompson was a member; that John Bippus be admitted as a delegate from Brookings County; that Vale P. Thielmann be admitted from Turner County which was changed to admit Edward Laird; that the delegation from Bon Homme County of which L. D. F. Poore was a member, be admitted; from Charles Mix County, Wm. McKay be admitted; that L. H. Litchfield be admitted as proxy from Pembina County; and J. Viboring from Hutchinson County. It was decided to hear the contest from Yankton County. After the hearing in the Yankton case it was decided to admit the delegation of which J. M. Stone and L. H. Litchfield were members; J. H. Bernard was admitted from Buffalo County. This closed the list, the committee then announced that the convention would be held at Stafford's storeroom, and then adjourned.

After the adjournment the delegates repaired to Stafford's storeroom to hold the convention, when it was learned that a portion of the delegates to whom the committee had given seats, had decided not to attend, but would hold a separate convention at the schoolhouse. The delegates that repaired to the schoolhouse were in favor of Colonel Moody's nomination, and it was known that the convention as made up by the central committee would not favor the colonel but would probably nominate Brookings. The Moody convention took one from Charles Mix, the entire delegation from Union, and from Minnehaha, and five of the six delegates from Lincoln and the contesting delegation from Yankton County. Thus two conventions were held without the formality or informality of a bolt. Judge Brookings was duly nominated for delegate by the convention at Stafford's, while Colonel Moody received the nomination at the schoolhouse. Here follows the proceedings of the convention at Stafford's:

Pursuant to call of the joint territorial committees, the territorial republican convention convened at the store of S. H. Stafford, Jr., in the Town of Canton, Lincoln County, Dakota Territory, on Tuesday, May 21, 1872, at 2 o'clock P. M.

The convention was called to order by L. H. Litchfield, chairman of the territorial central committee, and on motion of L. D. F. Poore, Col. B. F. Campbell, of Clay County was chosen temporary chairman. On motion of Capt. Nelson Miner, of Clay County, L. D. F. Poore, of Bon Homme County, was chosen temporary secretary. C. H. McIntyre, of Yankton, moved that one member from each county be appointed a committee on credentials, carried and the club appointed E. H. Laird, Turner; Nelson Miner, Clay; John G. Mead, Bon Homme; Charles H. McIntyre, Yankton; Kerwin Wilson, Charles Mix; C. H. Brookings, Union; John Bippus, Brookings; P. C. Parke, Lincoln; George Stover, Buff...

L. H. Litchfield, Pembina; Joseph Viborney, Hutchinson; C. H. Graham, Hanson; John Thompson, Minnehaha.

The committee after a brief absence made the following report:

We, the committee on credentials, beg leave to submit the following list of delegates entitled to seats in this republican territorial convention:

Buffalo County—J. M. Benard, Wm. Bennett, proxy to L. H. Roberts; Charles Mix County—W. T. McKay, Bruno Conover, Kerwin Wilson; Bon Homme—L. D. F. Poore, Bligh E. Wood, J. G. Mead, J. W. Garland; Yankton County—S. L. Spink, G. W. Kingsbury, A. Litchfield, G. W. Galbraith, Charles Wambole, W. W. Brookings proxy to J. R. Hanson, O. C. Peterson, C. H. McIntyre, C. F. Rossteuscher, J. M. Stone, C. W. Batchelder, J. W. Evans; Clay County—J. P. Kidder proxy to Nelson Miner, B. F. Campbell, Amos F. Shaw, F. J. Cross, Jas. A. Vail, proxy to A. F. Shaw, Randolph Mostow, E. W. Robbins, Nelson Miner, Jerome B. Tucker, Dana M. Noyse; Union County—E. LeGro, Alexander Hughes, J. A. Wallace, Archie Christie, Barney McGraw, L. H. Collins, Ole Holt, Mr. Scott, John Clemens, S. Collins, I. E. Doty; Lincoln County—P. C. Park, A. B. Wheelock, John Falde, G. W. Harlan, William Dunlap, B. S. Gillespie; Minnehaha County—Newton Clark, Henry Lewis, Wm. Holt, John Thompson; Brookings and Deuel counties—John Bippus; Turner County—E. W. Laird; Hutchinson County—John E. Maxwell, proxy to J. Viborney; Hanson County—C. H. Graham; Pembina County—Charles Cavileer, proxy to L. H. Litchfield, Judson LaMoure. (There were no Northern Dakota counties, except Pembina and Buffalo, organized in 1872.)

The committee also reported that they had by special messenger, duly notified all delegations not then present, that were found entitled to seats in the convention.

(Note.) What was known as the Moody faction had, possibly from the force of habit, assembled at the schoolhouse in Canton and organized another republican convention, with the Union County delegation complete, five of the six delegates from Lincoln County, three from Minnehaha County, and one from Charles Mix County. The names of these delegates are given the foregoing report of the committee on credentials in the Brookings convention which includes all the delegates elected except the contesting delegation from Yankton County. The proceedings here given were those of the regular convention, but it was known as the Brookings faction. The two conventions assembled at the same hour in different halls and no attempt was made to unite them. The schoolhouse convention nominated Col. G. C. Moody for delegate to Congress.

Mr. Litchfield, on behalf of Pembina County, presented a report of the proceedings of the republican convention of Pembina County, embodying a request that the number of delegates allotted to that district be increased, owing to the fact that the population had largely increased since the election of 1870, and on motion the County of Pembina was allowed five votes in the convention.

The temporary officers of the convention were then elected the permanent officers.

The following committee on resolutions was then appointed:

Geo. W. Kingsbury, Yankton; L. D. F. Poore, Bon Homme; P. C. Parke, Lincoln; Nelson Miner, Clay; John Bippus, Brookings; E. W. Laird, Turner, and L. H. Litchfield, Pembina; which committee after a brief deliberation reported the following:

1st. That in common with the republican party of the nation we heartily rejoice in the growing prosperity and rapid development of our entire country; in the peace and good order which prevails throughout the land; and in the increase of our institutions of popular education; firmly believing that under the direction of Divine Providence, the wise and liberal policy of republicanism, as connected with our public affairs has given the people these and many kindred favors now so generally enjoyed.

2d. That to the republican party are the people indebted for the inauguration of that policy which insures to the poor and rich alike, free homes on the public domain, and the suppression of that pernicious policy, so tenaciously adhered to for many years by the

democratic party, through which our fertile lands were passed into the hands of mercenary speculators, instead of going to the honest and industrious yeomanry of our country.

3rd. That while we condemn as impolitic and unjust extravagant and unconditional grants of the public domain to railroad corporations, we at the same time recognize the necessity of granting such conditional aid to the construction of railways over the treeless prairies of our great west, as will secure the lands so granted to actual settlers at a uniform price, thus promoting the development of a vast area which must otherwise lie tenantless for years.

4th. That the administration of President Grant has been characterized by that practical statesmanship which has won for our republican form of government the warmest encomiums from the liberal and enlightened nations of the world, and tenderly strengthened the cause of liberty in every land. Our finances have been wisely and honestly managed, and the credit of the nation maintained both at home and abroad; the public debt has been month by month reduced, while the burdens of taxation have been continually lessened; that as Washington, Jefferson, Jackson and others were not deemed in their day unfitted to preside over the destinies of the nation a second term, because of having been faithful stewards of the trust committed to their hands, so we in common with the great mass of our people, believe the renomination and reelection of President Grant is demanded by every consideration of security and sound policy. That we, therefore, in convention assembled, instruct our delegates to the National Republican Convention, to be held at Philadelphia on the 5th day of June, 1872, to cast the vote of Dakota for U. S. Grant for the nomination for President of the United States.

5th. That we pledge our united efforts to promote the best interests of Dakota Territory; to encourage immigration and the development of our valuable resources; to labor for union and harmony in the republican party, deeming the prosperity of the territory closely connected therewith; and that discord and division among its members is productive of great and lasting evils to our material interests; and we therefore pledge ourselves to ignore personal interests and prejudices, and act together for the welfare of all sections of our adopted home.

6th. That we deem it of the utmost importance that a vigorous liberal policy be inaugurated by our territorial government, that shall encourage the growth and cultivation of forests on our fertile plains; and also foster and assist immigration to our productive lands, and we call upon our law makers to give their earnest attention to the promotion of these measures.

The foregoing resolutions were then adopted as the platform of the republican party of the Territory of Dakota.

The convention then proceeded to take an informal ballot for a candidate for delegate to Congress, with the following result:

Whole number of votes cast, 41. W. W. Brookings received 28; W. H. H. Beadle, 1; J. P. Kidder, 5; N. J. Wallace, 1; John L. Jolley, 6.

A formal ballot was then taken which resulted in giving Brookings forty-three votes, the unanimous vote of the convention, and he was declared duly nominated.

Ole Thorson, of Lincoln, was then nominated for territorial auditor; and Ole Bottolfson, of Clay, for territorial treasurer; and E. W. Laird, of Turner County, for territorial superintendent of public instruction; W. G. Press, of Yankton, was nominated for commissioner of immigration.

For delegates to the national republican convention, the first ballot resulted: L. H. Litchfield, 31 votes; John G. Mead, Bon Homme, 17 votes; Nye E. Phillips, Minnehaha, 12; Charles Wambole, Yankton, 9 votes; John L. Jolley, Clay, 3 votes. Litchfield and Mead were declared elected, and J. P. Kidder and Nye E. Phillips were chosen alternates.

The following territorial central committee was then appointed: C. H. McIntyre, Yankton; G. P. Bennett, Union; John L. Jolley, Clay; L. D. F. Poore, Bon Homme; Kerwin Wilson, Charles Mix; John C. Reeves, Buffalo; C. H. Graham, Hanson County; P. C. Parks, Lincoln; N. E. Phillips, Minnehaha; John Bippus, Brookings; Enos Stutsman, Pembina; Emory Morris, Turner County.

The following resolution was then adopted:

Resolved, That we pledge ourselves to support the nominees of this convention, and commend them to the republican party of Dakota as worthy of their support, having been properly nominated by the regular republican convention, convened at the time and place designated by the territorial republican committee, and composed of members properly chosen by the several primary conventions throughout the territory.

Judge Brookings then made a brief address of acceptance; whereupon the convention adjourned.

The Moody convention assembled at the schoolhouse. There was no bolt—no unseemly conflict. Of the delegates named as entitled to seats in the Brookings convention, the following did not appear but joined the Moody forces: One from Charles Mix County; one from Union County; five from Lincoln County; four from Minnehaha County; and also delegates from Yankton County.

Judge Moody was nominated for delegate to Congress, but the proceedings which were orderly and harmonious have not been available for insertion in this work. The campaign progressed and was energetically prosecuted, the contest as presented to the voters being almost altogether that between the rival republican candidates, neither of whom apparently regarded the democratic candidate, Mr. Armstrong, as a formidable rival.

DEMOCRATS AND LIBERAL REPUBLICANS

The democratic territorial convention met at Bon Homme, Dakota Territory, on Thursday, July 18, 1872, at 2 o'clock P. M., and was called to order by Gen. C. T. Campbell, of Bon Homme County. Dr. O. F. Stevens, of Union County, was chosen temporary chairman, and T. J. Sloan, of Clay, temporary secretary.

(In 1872 Horace Greeley, one of the founders of the republican party had been nominated for president by a liberal republican convention while the democrats made no nomination and virtually endorsed Mr. Greeley, who was opposed by General Grant. A liberal republican convention convened at Bon Homme at this time, the proceedings of which are given following these proceedings. The two conventions worked in harmony.)

The chair then appointed the following committees:

On Credentials—J. L. Fisher, of Clay County; A. Baker, of Turner; Michael Ryan, of Union; S. H. Morrow, of Hutchinson; S. A. Bentley, of Yankton; H. C. Green, of Hanson; J. D. Flick, of Charles Mix; W. H. Corson, of Minnehaha; S. Simpson, of Bon Homme.

On Resolutions—M. D. Weston, of Union; A. Baker, of Turner; Dr. J. B. VanVelsor, of Yankton; S. H. Morrow, of Hutchinson; Dr. C. D. Owens, of Clay; Charles Marshall, of Charles Mix; J. G. Bottsford, of Minnehaha; Barney Cole, of Bon Homme; H. C. Breen, of Hanson.

The convention then took a recess to await the action of the credentials committee, who after a brief absence reported the following named delegates entitled to seats:

Minnehaha County—C. K. Howard, W. H. Corson, J. G. Bottsford.

Union County—E. W. Miller, R. R. Green, Geo. W. Kellogg, U. H. Akers, Joseph Walters, Wm. Hamilton, Henry Smith.

Lincoln County not represented.

Clay County—C. D. Owens, Richard Jewell, T. J. Sloan, George Curtis, G. S. Matthews.

Yankton County—John Walsh, Peter Anderson, Charles Stanage, L. D. Parmer, Charles Eiseman, J. B. VanVelsor, Frank Wixson, John Lenger, S. A. Bentley.

Bon Homme County—Gen. C. T. Campbell, S. S. Simpson, Barney Cole, James Fraser.

Charles Mix County—J. D. Flick, C. H. Marshall.

Hutchinson County—Samuel H. Morrow.

The report was adopted; whereupon John W. Turner, of Turney County, was elected permanent president; T. J. Sloan, of Clay, secretary; and H. C. Green, of Davison, assistant secretary.

The president briefly addressed the convention, in acknowledgment of the compliment paid him; whereupon, on motion of Geo. W. Kellogg, the convention,

by acclamation, nominated Moses K. Armstrong, as candidate for delegate to Congress.

L. D. Parmer, of Yankton, then stated that he had a communication to present from the liberal republican convention, asking that a committee be appointed by the democratic convention to confer with a like committee of liberals, to agree upon a joint ticket and platform, and recommended that one member from each delegation be appointed on such committee. The recommendation was adopted, and Messrs. Parmer, Howard, Flick, Cole, Morrow, Weston, Green, Owens and Baker were appointed such conference committee and repaired to the conference room.

Upon the return of the committee Mr. Parmer reported that they had been met by the liberal republicans in a cordial spirit, and the following joint ticket had been agreed upon for territorial officers: Commissioner of immigration, James S. Foster, of Yankton; superintendent of public instruction, E. W. Miller, of Union; auditor, T. J. Sloan, of Clay; treasurer, G. E. Maynard, of Clay.

The report being unanimously adopted, the candidates were nominated by acclamation.

The committee on resolutions then submitted the following report:

Resolved, That we earnestly endorse not only the platform enunciated at Cincinnati, but their nominees, Horace Greeley and B. Gratz Brown.

Resolved, That we are in favor of the just and necessary reform in the administration of territorial affairs, and the election to office of men who will command the confidence and respect of the people.

Resolved, That federal appointments by the President should be made from resident citizens of the territory, and the distribution of federal patronage given so as to promote the welfare of the people.

Resolved, That we are in favor of the proposed national system of reclaiming our interior plains by forest planting and utilizing streams, and opening Government highways for the trade and commerce of the West.

Resolved, That a division of the Territory of Dakota should be made giving to the northern settlements of Dakota a separate and distinct territorial government north of the 46th degree of north latitude.

Resolved, That there should be a broad and liberal homestead law for the benefit of the soldiers and sailors of the country.

Resolved, That for the promotion and success of these principles, and the success of the candidates nominated by this convention, we invite and cordially welcome the cooperation of all patriotic citizens, without regard to previous political affiliations.

Resolved, That the private and public conduct of Hon. M. K. Armstrong, our delegate in Congress, both as a citizen of Dakota and as the representative at Washington, has been such as entitles him to our confidence and support, and that he is the choice of this convention for reelection.

Which resolution was adopted.

The following Democratic Territorial Central Committee was then appointed: F. B. Foster, of Hanson County; J. D. Flick, of Charles Mix; S. Simpson, of Bon Homme; S. H. Morrow, of Hutchinson; G. S. Matthews, of Clay; M. Ryan, of Union; L. D. Parmer, of Yankton, and J. W. Turner, of Turner.

Messrs. Bentley, Matthews and Campbell were appointed a committee to escort the members of the liberal republican convention to meet the democrats in joint convention. The committee performed the duty; whereupon two democrats and two liberal republicans were appointed to wait on Hon. M. K. Armstrong, notify him of his nomination, and request his presence before the joint convention. Responding thereto, Mr. Armstrong appeared and spoke as follows:

Gentlemen of the Democratic and Liberal Republican Conventions.—I esteem it one of the highest privileges of my life to thank you for my nomination at your hands. I will not detain you by a lengthy discussion of territorial or national affairs, but I will from time to time, at different points in the territory, discuss these questions. As I said two years ago, I esteemed it my duty to do what was best for the whole people. I went to Washington as a plain business man to attend to business in a plain business way. It is not the duty of a delegate to make speech or catch speeches, or put on airs. I estimate not what his politics are, he goes as the agent of the people. I was there, therefore, ready before a single head of a department asked me what my political opinions were. I could

not enlarge, as my opponents have, upon what might or ought to be done. The only thing that I regret is that since my return, certain republican papers and leading republicans, in the territory, are trying to deprive me of the honor due me by attributing the credit to a certain governor. You know a delegate has no right to vote. It is simply straightforward work with the committees, and only in this way can he accomplish anything for the territories. I consider this as one of the proudest moments of my life. I am proud of the territory; proud of my constituents, and I promise, if elected, I will serve the people as faithfully as I can. I have endeavored to serve the people as well as I could, even when a contest was on my hands, and not till after that contest was decided, did I succeed in securing the passage of a single bill for the welfare of Dakota.

When Greeley is elected, then will be our harvest, instead of the republican who has ruled so bitterly over us; and it will be my whole aim to have such men appointed to office as will be an honor to the country. I might enlarge upon the action of the Baltimore Convention, but will only say that before I left Washington, the unanimous feeling was for the democrats and liberal republicans to unite and put their heels upon the power that has so long usurped our rights. I will only say in conclusion that if elected I will be the servant of the people.

With three rousing cheers, the convention adjourned.

THE LIBERAL REPUBLICAN PARTY

The liberal republican party was an outgrowth of an independent movement in 1872 of certain leading republicans who were opposed to the reelection of President Grant. Prominent among them and leaders were Carl Schurz, Henry Winter Davis, Horace Greeley, Charles Francis Adams, and others. A convention was called to meet in Cincinnati, prior to the meeting of the democratic national convention in Baltimore, and Charles Francis Adams was understood to be the one who would be nominated for President, he being the great-grandson of President John Adams, who succeeded Washington. The program was changed, however, and Horace Greeley received the nomination, with B. Gratz Brown, of Missouri, for vice president. The democratic national convention subsequently ratified the nomination.

In Dakota the two organizations united at Bon Homme to support the democratic ticket, save the nomination of James S. Foster for commissioner of immigration, which was a concession to the liberal republicans.

In Dakota the liberal convention, pursuant to call, assembled at Bon Homme on the same day and hour that the democratic convention met, and was called to order by Dr. Joel A. Potter, of Yankton County, chairman of the territorial committee. Maj. J. Shaw Gregory, of Yankton, was elected temporary chairman, and H. C. Burr, of Yankton, secretary.

Messrs. R. I. Thomas, of Yankton; G. C. Maynard, of Clay; J. Pierce, of Turner, and H. A. James, of Bon Homme, were appointed a Committee on Organization, and reported as follows:

For president—A. J. Sweetser, of Yankton.

For vice presidents—LeRoy Wood, Bon Homme; P. H. Turner, Turner; Sam Jones, Clay; M. M. Rich, Union; M. U. Hoyt, Yankton; William Cox, Charles Mix; D. W. Reynolds, Minnehaha; John Head, Hanson; Lewis Hulett, Brookings; I. N. Martin, Lincoln; John Maxwell, Hutchinson.

Secretary—H. C. Burr, Yankton.

The report was adopted. A credentials committee was then appointed, consisting of P. K. Faulk, Yankton; LeRoy Woods, Bon Homme, and Jud Pierce, of Turner, who reported in brief that the counties of Yankton, Clay, Turner, Bon Homme and Charles Mix were fully represented.

The Clay County delegation consisted of C. H. Ricker, C. Prentis, John O. Ford, G. C. Maynard, W. W. Deming, G. C. Bigelow, Samuel Jones, James Whitehorn, Amos Hampton and D. W. Hodgins.

Yankton County—Joel A. Potter, J. Shaw Gregory, M. U. Hoyt, James S. Foster, P. K. Faulk, Horace Burr, R. I. Thomas and Frank Schnauber.

The names of the other delegates appear among the officers and committees.

The first business in order was the appointment of a committee.



WILLIAMS COUNTY COAL MINE



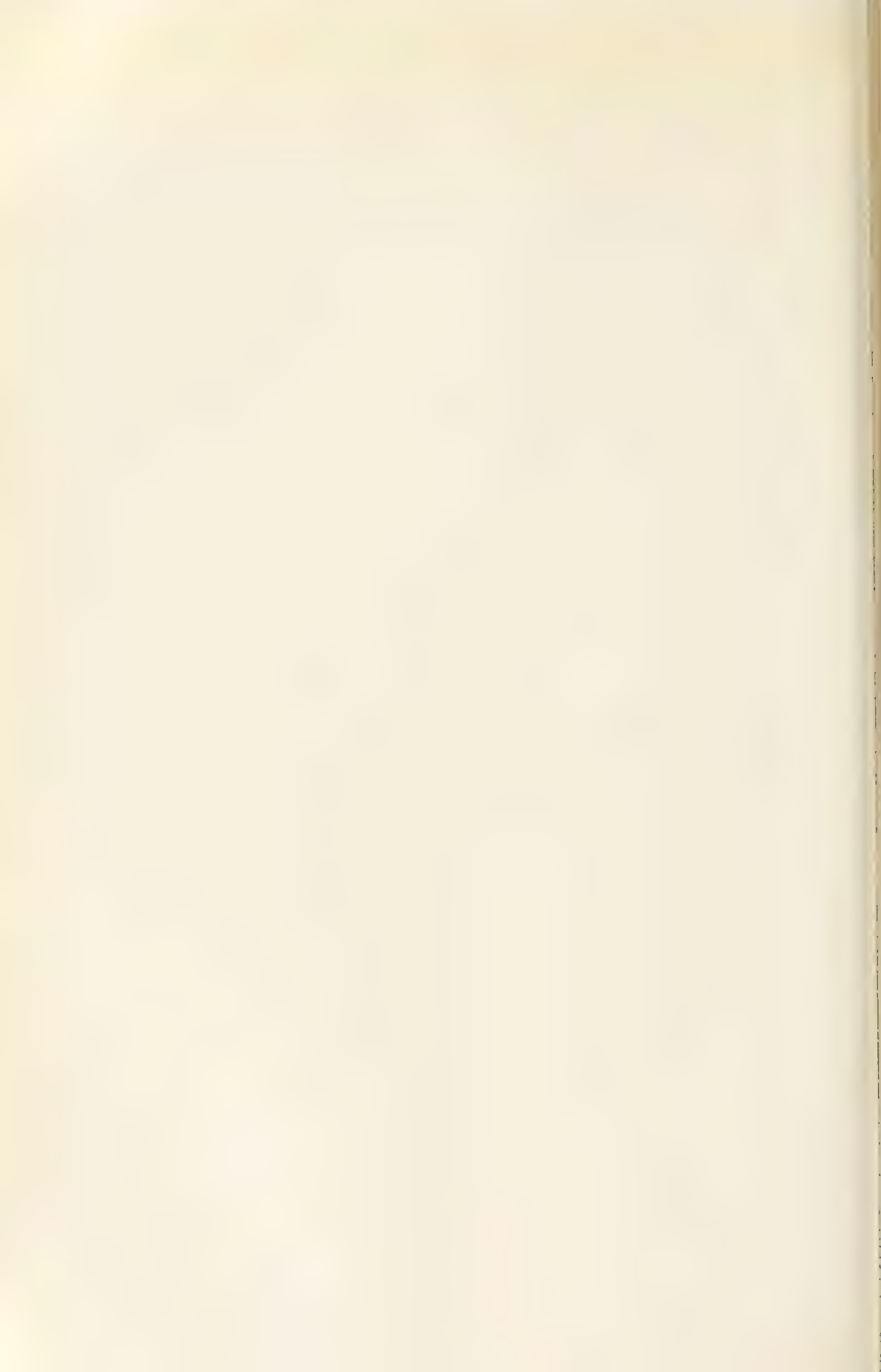
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STEAMBOATS "WASHINGTON" AND "WESTON" COALING
FROM THE MINE, NORTHERN DAKOTA



RIVER BANK NEAR MANNAVEN, NORTHERN DAKOTA,
SHOWING COAL



A committee of conference from the democratic convention was then announced, and on motion of Mr. Schnauber, of Yankton, a committee, consisting of Messrs. Thomas, Pierce, Gregory, James and Maynard, was appointed to meet the democratic committee, and a recess was taken to permit the conference committee to deliberate. On being called to order the conference committee reported that an agreement had been made upon a ticket and platform, and recommended its adoption. (This ticket was identical with the territorial ticket nominated by the democrats, and was duly ratified.)

The convention then, by acclamation, nominated M. K. Armstrong as the liberal republican candidate for delegate to Congress.

The following central committee was then appointed: Dr. R. I. Thomas, Yankton, chairman; William Cox, Charles Mix; Samuel Jones, Clay; P. H. Turner, Turner; D. W. Reynolds, Minnehaha; John Head, Hanson; H. A. Jones, Bon Homme; John Maxwell, Hutchinson; William Frisbie, Union; I. N. Martin, Lincoln; Louis Hulett, Brookings. At large—Fred Schnauber and M. C. Hoyt, Yankton.

Dr. Joel A. Potter was recommended as a member of the national committee. The members of the convention then proceeded to the hall of the democratic convention, and at the conclusion of Mr. Armstrong's address, adjourned.

THE CAMPAIGN

There had never been a united republican party in Dakota Territory when the Legislative Assembly of 1872-73 met at the capital in Yankton in December, 1872—met, contested, intrigued, deliberated and adjourned. Even as far back as 1862, when the republican organization was first formed, there was a faction led by federal officials, who refused to act with the regular organization; in 1864 there were the Burleigh and Bliss factions, which finally united, leaving the handle of the hatchet protruding. In 1866 it was Burleigh with the Johnson republican wing, and Brookings with the congressional republicans, the new organization; in 1868 it was Spink, Kidder, Todd, Toohey and Burleigh, and though but one republican nominee—Spink—Mr. Kidder was nominated and supported by republicans largely. In 1870 it was Burleigh and Spink, and in 1872 it was Brookings and Moody. It would seem that through this decade of factional squabbling, that a change of leaders did not affect the antagonism inherent in the so called party, for new leaders sprang up to take the place of those deposed on either side. Mr. Burleigh does not appear to have been personally engaged in the conflict of 1872. He was, during that summer, employed with a fifty-mile contract of grading on the Northern Pacific Railroad, east of the Missouri River, and was very busy in pushing that work. The election of 1872 was hotly contested between the republican factions, and for the first time citizens of the northern part of the territory who had come in along the line of the Northern Pacific, which was then in course of construction between Fargo and Bismarck, participated in the voting. Precincts had been established at Fargo, then in Pembina County, and at Jamestown and Edwinton, in Buffalo County, and possibly at Fort Berthold, in the same county; and also at Wahpeton, or Chinkapa, in Richland County.

The election was held on the 8th of October, and the table given here, with the total vote cast, both the portion which was accepted by the board of territorial canvassers as valid, and the portion which was rejected as illegal and also because of various damaging informalities.

THE OFFICIAL VOTE

The canvass of the returns made to the secretary of the territory took place November 27th. The board of canvassers was composed of Governor Burdick, Chief Justice French, and Secretary Ed S. McCook. Prior to the ~~adoption of~~ opportunity was given for argument in behalf of the several candidates regarding

the questionable character of a portion of the returns from various precincts, after which the board proceeded with the canvass, the result being given herewith for delegate to Congress:

Name of County or Precinct	Armstrong	Moody	Brookings
Lincoln County	72	191	69
Turner County	30	32	48
Union County	494	317	178
Clay County	225	309	174
Hutchinson County	21	3	12
Pembina County	130		87
Yankton County	357	212	257
Bon Homme County	152	9	101
Minnehaha County	68	118	122
Total	1,549	1,241	948
(Above includes the total vote canvassed.)			

Rejected for informalities.			
Pembina County	Armstrong	Moody	Brookings
Goose River Precinct	44	3	7
Richville	37	15	3
Fargo	20	223	20
Wild Rice	3		31
Rose Lake	100	100	335
Cheyenne, Second Crossing		2	34
Jamestown	117	48	165
Brookings and Deuel Counties	3	278	11
Charles Mix and Buffalo Counties	349	30	39
Fort Wadsworth Precinct, Deuel County	1		10
Traverse Precinct, Deuel County	4		8
Buffalo County, N. P. Crossing Missouri River	851	499	1,659
Total, rejected	1,521	1,298	2,322

H. S. Back, of Fargo, received one vote at Pembina and thirty-five votes at Fargo.
 J. Hunter received three votes in Minnehaha County.
 Grand total, accepted and rejected.....3,070 2,539 3,270

The canvass of the returns for the other officers on the different tickets resulted substantially the same as the canvass for delegate, and elected the democratic and liberal republican ticket, made up of M. K. Armstrong, for delegate in Congress; James S. Foster, of Yankton County, for commissioner of immigration; E. W. Miller, of Union County, for superintendent of public instruction; Thomas J. Sloan, of Clay County, for auditor; and G. C. Maynard, of Clay, for treasurer. The votes rejected were largely the votes cast by the railroad laborers along the line of the Northern Pacific and the same element in Deuel County, where the branch line from Marshall, Minnesota, to Lake Kampeska, Dakota Territory, was being graded. These voters were not citizens of Dakota, and it was a question whether all the votes so returned were cast by individual voters. It was, however, generally believed that there were legal voters who voted at Fargo, Jamestown, the Missouri crossing, afterwards named Bismarck, and at Richville in Richland County. In the contests for seats in the succeeding Legislature, E. A. Williams, of Bismarck, was admitted, also Mr. Kelleher, of Jamestown, at first, but the contest was finally decided in favor of J. Q. Burbank, of Richland.

The election had been hotly contested between the republican factions led by Brookings and Moody, and not much attention was paid by the voters to the legitimacy of either's nomination. Mr. Moody's friends claimed that he had been fairly elected and lost possibly through the prejudiced action of the board of canvassers, all of whom probably supported Judge Brookings at the election; and a contest for the seat of delegate was suggested.

The presidential candidates in 1872 were:

Republican, President U. S. Grant; vice president, Henry Wilson, Massachusetts. Straight democrat—Charles O'Connor; vice president, John Quincy Adams. Liberal republican and democratic—Horace Greeley; B. Gratz Brown. Anti-secret society—Charles Francis Adams; J. L. Barlow. National temperance—James Black; John Russell. Woman's rights—Victoria Woodhull; Fred Douglass. Labor reform—David Davis, Illinois; Sterling Parker.

Delegates from Dakota to the democratic national convention, at Cincinnati, in 1872, were Bartlett Tripp, of Yankton, and H. C. Davidson, of Bon Homme.

Delegates from the Moody republican convention of 1872, to the national republican convention at Philadelphia, J. H. Burdick and Alexander Hughes.

Delegates from the Brookings republican convention were Laban H. Litchfield, of Pembina County, and John G. Mead, of Bon Homme County. Alternates, Jefferson P. Kidder, of Clay County, and Nye E. Phillips, of Minnehaha County.

Gen. W. H. H. Beadle, was appointed national committeeman for Dakota, by the national republican convention of 1872. The general was a compromise candidate, as both the Moody and Brookings delegations were admitted to seats in the national convention.

WHEAT AND FLOUR

The quantity of wheat produced in the Territory of Dakota in 1872, was set down at 2,275,000 bushels, divided among nine counties, as follows:

Union County, 700,000 bushels; Clay County, 650,000; Yankton County, 400,000; Lincoln County, 150,000; Bon Homme County, 100,000; Turner County, 50,000; Minnehaha, 50,000; Pembina, 150,000; and Hutchinson, 25,000. No estimate was made of the production on the Yankton and Ponca Indian reservations, nor at Flandreau where the Santee Indians had a settlement of fifty families and raised wheat and other farm products.

The number of flour mills completed in the territory in the white settlements was ten at that time, Clay County leading with four, one at Vermillion, at Bloomingdale, Lodi and Liberty. Bakers; Union County had two, one at Liberty and one on the Big Sioux near the mouth of Brule Creek. Turner County, one at Turner. Yankton, one at Yankton, completed that year; and two in Minnehaha, one of which was located at Sioux Falls, and the other at Dell Rapids, or Dell City, as it was called. McHenry & Maynard were building a mill at Maxwell, in Hutchinson County. Another mill was being constructed at Larchmont, eight miles south of Canton, on the Big Sioux, by Thomas Sargent. The Excelsior Mills at Yankton was a very complete plant and had been erected by a company composed of Bramble & Miner, merchants; William Borden, and John O. Bates.

CHAPTER LV

THE LEGISLATURE OF 1872-73—DEUEL COUNTY

IRISH IMMIGRATION CONVENTION—DELEGATES ON COMMITTEES IN CONGRESS—
PREPARATIONS FOR THE CENTENNIAL—YANKTON LAND OFFICE—FORT BENNETT
BUILT—LEGISLATURE OF 1872-73—DEUEL COUNTY VOTE—PETTIGREW OF MINNE-
HAHA—LEGISLATIVE ENACTMENTS—DAKOTA HERALD ESTABLISHED—LAND SUR-
VEYS IN NORTHERN DAKOTA—GENERALS SHERIDAN AND HANCOCK VISIT
DAKOTA.

IRISH IMMIGRATION

The proportion of Irish immigration to the Territory of Dakota had been, from the earliest days of settlement, equal to that of other foreign nationalities, except possibly the Scandinavians, up to the year 1872, notwithstanding which a number of public-spirited sons of the Green Isle resident in Clay, Union and Yankton counties, impressed with advantages Dakota offered to the industrious classes of all nations, conceived a plan for an organized effort to induce their countrymen to make their homes in the new Northwest, Dakota preferred. Accordingly, pursuant to a published call, a convention of northwestern Irish-American citizens assembled at Vermillion, Dakota, on Thursday, September 19, 1872, for the purpose of devising the best means to promote, aid and encourage Irish immigration to the Northwest. Delegations were present from Northwestern Iowa, Northwestern Nebraska, and from nearly every organized county in the territory, though the number of organized counties at the time was limited to twelve.

Hon. John Stanage, of Yankton County, was elected chairman, and T. J. Sloan, of Clay, secretary.

No detailed report of the proceedings has been preserved. The reports of the committees, however, found its way into the public prints of that day, and show the spirit and commendable aims of the convention. The Committee on Resolutions reported as follows:

Whereas, It has pleased God that the pressure of bad government, and the force of circumstances and of choice, has transplanted one-half of the Irish race from their own soil to this free land;

And Whereas, Many of our brother Irishmen, through poverty, negligence and apathy, have located in the densely populated districts of the East, where if they remain, many of them must remain poor, indigent, and subject to the contaminating influences of city life;

And Whereas, Our experience has taught us that life in the West is conducive to the independence, wealth, dignity, health, honor and purity of Irishmen and their families; wherefore, be it resolved:

First, That we earnestly invite and beseech our people in Ireland, Canada and the East to seek new homes in this free, independent, healthy and productive land;

Second, That we appeal to our wealthy, powerful and educated countrymen in the East to foster, promote and encourage Irish emigration to the Northwest;

Third, That we, the Irish-American and cosmopolitan citizens of this convention, pledge our experience, sympathy and aid to such of them as may come.

The Committee on Experience and Addresses, submitted the following:

We, the Committee on Experience and Address, recommend that the chairman call upon the citizens of this convention, residents of the Northwest, to write their individual

experience in the West, and place it in comparison with the East, and that such experience be published for the information of emigrants.

Accordingly the chairman selected the following named for this work:

Hon. James McHenry, miller, merchant and farmer, Clay County, D. T.; C. D. Owens, physician and surgeon, Clay County, D. T.; Judge Smith, attorney-at-law, Vermillion, Clay County, Dakota.; T. J. Sloan, territorial treasurer, Vermillion, Dakota; T. F. Singiser, editor, Yankton, Dakota; L. McCarthy, wholesale grocer, Sioux City, Iowa; Michel Ryan, Barney Mohan, Alick Keevil, and Mike Curry, farmers, Union County, Dakota.

Mr. L. McCarthy, chairman of the Committee on Ways and Means, made a very detailed verbal report, in which he gave some very practical suggestions, and promised to embody in his written report the salient points as embodied in his verbal statement.

The convention then adjourned subject to the call of the chairman.

The result of the subsequent efforts made by the members of this commendable movement may be best told by the Irish American citizens who have, in goodly numbers, since made their homes in Dakota.

DELEGATES TO CONGRESS ON COMMITTEES

Until the year 1872, delegates to Congress from the territories were not given a place on any of the committees, but were occasionally called before a committee, for the purpose of giving information upon some obscure point connected with territorial vassalage. In 1872, Hon. Samuel Randall, of Pennsylvania, reported a resolution authorizing the speaker to appoint the delegate from the District of Columbia to the Committee on the District, and one delegate to the Committee on Territories. The resolution was strongly opposed, on the ground that the delegate not being a member of Congress, could not exercise the function of a committeeman. The resolution, however, finally passed, having a saving clause, that the delegate should have no authority or privilege beyond that given him on the floor of the House. The territories at that time, particularly the Territory of Dakota, were sending men of superior ability and tact to represent them in the National Legislature, and the average congressman from the states may have apprehended that they would try to run the whole Government if given enlarged privileges—the if given “an inch they would take an ell,” which they would at times have been fully justified in doing.

But it is probable that this dependent and indigent condition was not to their disadvantage, for the delegate without exception, found always some strong, influential senators and congressmen, who took his part manfully and usually carried his measures through, exacting as his reward the advice and aid of the delegate to secure for his own constituents some lucrative appointment in the territory concerning which the delegate was qualified to furnish all the information desired. Dakota Territory occupied quite a prominent position in the legislation of Congress during its entire twenty-eight years of wardship under the Organic Act. It was the most important district under the Department of War because of its large Indian population and its Indian wars, requiring the erection of expensive forts; and it was also the most important division of the work of the Interior Department for the same reason, and for the further reason that the political government of the territory devolved on the Interior Department. From 1870 to 1880 the Indian question was the paramount subject before Congress, reaching its turning point or crisis in 1876, and to some extent modifying the popular regard for the Centennial Exposition.

CENTENNIAL EXPOSITION

As early as 1872 preparations were begun for the celebration of the Hundredth Anniversary of the Independence of the United States, the Centennial

observance of which was appointed by Congress to be held in the City of Philadelphia, where the Declaration of Independence was signed and proclaimed on the 4th day of July, 1776. The finances necessary to pay the expenses of preparing for the grand event, which was to be a World's Fair, and known as the Centennial Exhibition, were raised by stock subscriptions. The capital stock was placed at \$10,000,000, and was apportioned among the several states and territories, according to the population as ascertained by the Decennial census of 1870. Dakota Territory, having at that time a population of 14,111, was given the opportunity to subscribe for 368 shares of this stock at \$10 per share, and the whole amount was taken, realizing \$3,680. Hon. Solomon L. Spink, ex-secretary of the territory, and George Alexander Batchelder, also ex-secretary, successor to Mr. Spink, were the first Centennial commissioners on the part of the territory. Mr. Spink had also served a term as delegate to Congress.

THE LEGISLATURE OF 1872-73

The session of the Legislature of 1872-73 was remarkable for its contested seat cases, and also for an alliance between one faction of the republican party known at the time as the Moody faction and the democratic members. The other faction of the republican party was known as the Brookings faction. They had these names from the leaders of the divided party in the late delegate election. This alliance had been formed immediately preceding the meeting of the Legislature, though it did not involve the organization of the two Houses which was effected by the republicans acting together. But immediately after the organization the allied forces passed a public printing bill and elected a public printer, the intention being that this patronage should be given to the Moody newspaper and the profits to be shared by the democratic or Armstrong newspaper, at Yankton. This public printing was left by the Government entirely to the discretion of secretary of the territory, as the Government provided for and paid for it, and that official had made a contract for this work at the opening of the Legislature with the Yankton Press, the Brookings organ at the capital, and under this contract the Press went forward and did the work, which was duplicated for a time by the public printer elected by the Legislature, who had given a bond, however, that he would make no claim against the territory for the work he performed, but would look to the Government for his remuneration. As Mr. Moody was contemplating a contest for the seat in Congress which had been awarded to Armstrong, the democrat, on a small plurality, it was confidently expected that he would be able to secure the payment for this work as soon as he took his seat. This novel situation induced the territorial secretary to report the peculiar state of affairs to the interior department at Washington, and he received a prompt response confirming the contract he had made and stating that no allowance would be permitted for any printing performed unless it had the said secretary's approval. This letter was laid before the legislative bodies. By this time the democratic members awoke to the danger to Armstrong, if Moody should prosecute his contest, and they readily agreed to reconsider their share in the public printing matter, the former action was annulled, and all matter requiring to be printed was ordered sent to the secretary of the territory. There was no further trouble over that phase of the question, but a new danger now confronted the democrats, who supposed that they had elected Armstrong as delegate at the preceding election, the same election that had elected this tri-party Legislature; but it was now evident that the delegate question was to a large extent involved in the disputed seat contests, which were a part of the original combination, and if the democrats held to the alliance and gave to the Moody contestants the seats that were in contest between the two republican factions, they would be compelled to go behind the returns upon which the board of territorial canvassers had acted in awarding the election to Armstrong; giving that gentleman the certificate, and admit the validity of a vote which Candidate Moody could base a contest

upon, with considerable promise of throwing Armstrong out; and it was unofficially stated that Mr. Moody could go before Congress as a claimant for the seat, basing his action upon some 2,000 votes that were cast for him mainly in the northern part of the territory, in which section a gentleman named Stone, a Moody democrat had been a candidate for the Council, and was contesting for the seat held by Stutsman of Pembina. The Big Sioux Valley from Lincoln County to the northern limit was also involved in contests that evoked much bitterness and occupied more or less of the time and attention of the Legislature to near the end of the session, the leading party in these contests being Hon. R. F. Pettigrew, of Minnehaha County, who at that time was trying his earliest "pinions" in politics in Dakota; and in the particular contest in which Mr. Pettigrew's seat was involved, it so happened that both contestants and contestees were Moody men, so in that instance the House was divided against itself should the democrats continue the alliance. This contest had to do with the election in Deuel County where the Northwestern Railroad had a force of graders at work in 1872, and it was alleged they did the voting, but were not voters in the territory. The proceedings of the Legislature tell the story of this contest.

When the Legislative Assembly assembled in December, the members-elect who had supported Colonel Moody were more numerous than those who had supported Judge Brookings, but as all claimed to be republicans, and in order to organize the assembly with republican officers the factions united by giving to Mr. Moody's friends the president of the Council and the speaker of the House, and many of the minor offices. Moody was the lion; Brookings was the lamb. The twain laid down together, the lion on the outside of the lamb.

An important contest came up from the Sixth Legislative District which embraced all the organized and unorganized counties in the Sioux Valley beginning at Lincoln County and extending through Minnehaha, Brookings and Deuel to the 46th parallel of north latitude, and included also the County of Turner. This district elected a councilman and four representatives. The vote of Deuel County decided the election and was alleged to be fraudulent. There were comparatively but very few actual settlers in the county, but the Winona & St. Peter Railway was being graded and workmen had begun grading west of the Minnesota line on the route to Lake Kampeska, a few weeks before the election. The contest in the House was between J. M. Wahl, of Lincoln, and R. F. Pettigrew, of Minnehaha, on one side, who had been given the seats on the face of the returns; and A. B. Wheelock, of Lincoln County, and G. R. Roberts, of Minnehaha County, on the other. All had been supporters of Colonel Moody, which made it decidedly unpleasant for that faction; and as it hung along from day to day for nearly two weeks entangled with other factional interests, it became quite a celebrated case. There was also a seat in the Council held by Mr. G. W. Harlan, of Lincoln County, a Moody republican that would be given to a democrat, Mr. Jeremiah Gehlon, of the same county, in case the alleged fraudulent vote was thrown out. This factor had the effect of weakening the alliance of the Moody republicans with the democrats, and in fact became the controlling point that resulted in destroying the alliance and practically allying the democrats with the Brookings republicans.

On the face of the returns made to the office of the secretary of the territory, the vote of the entire district for Wahl was 619; for Pettigrew, 592. The contestants Wheelock had 392, and Roberts, 392. By excluding Brookings and Deuel counties it would stand—Wahl, 341; Pettigrew, 302. Wheelock, 378; Roberts, 378.

The tenth session of the Territorial Legislature convened at the legislative halls, in Stone's Block, Yankton, on Monday, December 2, 1872.

The House was called to order by George L. Foster, chief clerk of the House in 1870-71, who called the roll of members-elect, as follows:

First District, Union County—Silas Rohr, Michael Glynn, Cyrus Knapp, William Hamilton, Samuel Ashmore. Second District, Clay County—Ole Thibault

son, James Hyde, A. J. M. Mills, George Norbeck, Jens Petersen. Third District, Yankton County—Ephraim Miner, John Becker, Theodore A. Kingsbury, Jacob Brauch, O. C. Peterson. Fourth District, Bon Homme and Hutchinson counties—Bligh E. Wood, J. W. Garland. Fifth District, Charles Mix and Buffalo counties—Foster T. Wheeler, Joseph Langlois. Sixth District, Lincoln, Minnehaha, Turner, Brookings and Deuel counties—John Thompson, Newton Clark, Martin Trygstad, R. F. Pettigrew, John W. Turner, J. M. Wahl. Seventh District, Pembina and Hanson counties—Judson LaMoure.

Judge W. W. Brookings, of the Supreme Court, administered the oath of office to the members. Prayer was offered by Rev. Joseph Ward, of Yankton. The House then proceeded to the election of officers, as follows:

Speaker, A. J. Mills, of Clay County; chief clerk, Charles F. Mallahan, of Union; assistant clerk, John Q. Burbank, of Pembina; sergeant-at-arms, Byron E. Pay, of Brookings; enrolling clerk, Bucklin H. Wood, of Bon Homme; messenger, Adolph Mauxsch, of Yankton; fireman, David Thompson, Lincoln; chaplain, Rev. Joseph Ward, Yankton.

The House after installing its officers, adjourned until 10 o'clock the following day.

The members-elect of the Council assembled at their chamber at 12 o'clock, M., Monday, December 2, 1872. George T. Rea, ex-secretary, called the roll of members when the following councilmen answered to their names: First District, Union County—Alexander Hughes, O. F. Stevens, Henry Smith. Second District, Clay County—Nelson Miner, Joseph Mason, E. B. Crew. Third District, Yankton County—C. H. McIntyre, D. T. Bramble, John Lawrence. Fourth District, Bon Homme and Hutchinson counties—H. P. Cooley. Fifth District, Charles Mix and Buffalo counties—W. T. McKay. Sixth District, Lincoln, Turner, Minnehaha, Deuel and Brookings counties—G. W. Harlan, of Lincoln. Seventh District, Pembina and Hanson counties—Enos Stutsman.

The oath of office was then administered by Chief Justice French.

The Council then elected E. B. Crew, temporary president.

Prayer by Rev. J. T. Walker, of Yankton. The permanent organization was then effected by the election of the following officers:

President, Alexander Hughes, Union; secretary, George I. Foster, Pembina; assistant secretary, W. H. Ball, Lincoln; enrolling clerk, R. Mostow, Clay; sergeant-at-arms, Thomas Reed, Yankton; messenger, Knud Simonsen, Clay; fireman, C. Bensen, Union; chaplain, Rev. J. T. Walker, Yankton.

The officers were sworn in by the chief justice when the body adjourned until 10 o'clock, the third.

On the second day the only business transacted by the House was the appointment of committees to notify the Council and the governor of the organization. On the third day in the House, Joseph Roberts, of Minnehaha, filed a notice claiming the seat occupied by R. F. Pettigrew, of Minnehaha County. A. B. Wheelock, of Lincoln County, also gave notice that he would contest the seat occupied by J. M. Wahl, of Lincoln County. E. A. Williams, of Edwinton, Buffalo County, gave notice that he would contest the seat of Foster T. Wheeler, of Charles Mix County. A resolution was also presented by Mr. Turner asking that Norman B. Campbell, of Bon Homme County, be admitted to the seat occupied by J. W. Garland.

The foregoing contest cases were all referred to the Committee on Elections, composed of Representatives Jacob Brauch, Ole Bottolfson, J. W. Turner, Martin Trygstad, and Silas Rohr.

In the Council, on the second day, Mr. Bramble presented notice of contest on behalf of Jeremiah D. Flick, of Hanson County, against W. T. McKay, of Charles Mix and Buffalo counties. Also a notice of contest by Jeremiah Gechon, of Lincoln, against G. W. Harlan, of the same county. These contest cases were referred to the Council Committee on Elections composed of Messrs. Lawrence, Smith and Mason.

THE MESSAGE

The governor's message was delivered to the assembly in joint convention on the third day. John A. Burbank was governor. The governor prefaced his recommendations by a reference to the abundance of the year's harvest; and said:

"Let us be thankful to Almighty God for the lavish abundance which has crowned the energies of our people, awarding full value to honest labor." Concerning education he said: "I have to urge upon your most searching attention, the laws already upon our statute books, with a view to their thorough revision, and to further enactments, which are required to place Dakota, if possible, on a footing with those states which are so justly celebrated for the perfect organization of their system of common schools. Educate the masses, and the masses will take care of the nation. Neglect their education and the liberties of the whole people will be endangered." Concerning immigration he said: "Our best immigration laws are the homestead and preemption laws, and these more than all other causes and instrumentalities are inducing immigrants to people our broad and fertile acres. Our territory, with its natural advantages for comfortable homes, easy cultivation of the soil and prolific crops, has become so well known to the people of our immigrant producing states, and in Europe, especially to those wishing to better their condition in life by a permanent settlement in a free and productive country, that the filling up and development of our territory by a thrifty population, seems to be but a little way in the future; if we may judge by the significant promises of the present in the steady tide of settlers who are quietly and surely extending over our fertile prairies."

Regarding Indian affairs: "Our borders have been uninterrupted by Indian outrages or any acts of violence worthy of official mention. So far, the present policy of the Government in dealing with the Indians has been generally successful. Civilization, restless and aggressive, is knocking at the barriers of our Indian reservations, and thrift and the plowshare are urgently demanding that idle savagery and the scalping knife shall surrender uncultivated lands to be dedicated forever to agriculture and material development; yet peace with the Indians has been maintained. * * * I am anxiously looking to the front of this 'old and vexed question,' with the hope that your best consideration may assist in anticipating the wants of the future in regard to the final disposition of the Indian tribes."

Regarding a division of the territory: "There is a bill before Congress looking to a division of the territory along the forty-sixth degree of north latitude, and providing a territorial government for the division north of that line. Dakota embraces 150,932 square miles, with sufficient territory for three states of average size. Our present population is not less than thirty thousand and is increasing rapidly. In its present condition and with its extensive boundaries, it is unwieldy and impracticable for the ordinary established machinery of territorial government. The diversity of local interests in so vast a territory has a tendency to fulminate sectional jealousies and provoke political conflicts. These would not be so liable to occur in a smaller area where the whole community would be brought together in an almost daily contact, and where our interchange of ideas and opinions in regard to their wants would be uninterrupted. Should the proposed division be authorized by Congress at the present session, allowing Dakota to retain the present established government, the contemplated Territory of Pembina, north of the forty-sixth degree, will show a much larger population than any of the territories at the date of their organization prior to the establishment of Arizona, and since 1786."

Speaking of finance, the message said: "The finances of the territory are in a healthy state, and we have reason to be proud of their condition and management. There has been no debt incurred during my administration for which bonds have had to be issued, and there have been but few instances, if any, where warrants have been issued when public funds were not in the hands of the treasurer ready to pay them. Not having received the report of the auditor and treasurer, I am not able to give a detailed statement of the exact condition of financial affairs, but am assured that there are ample funds in the treasury to meet all legal demands which are liable to fall due and be presented for payment. In this connection I call your attention to the fact that the law has established an assessment of not to exceed two mills on the dollar for territorial purposes; however, it was found that one mill upon the dollar was sufficient to meet all demands upon the treasury for the year 1872, and I trust you will not find any legislation necessary to increase the rate of assessment as now fixed by law."

Concerning the important subject of railroads and the past year having witnessed the construction of the first lines in the territory, the message said: "Through the generous munificence of our people, which was promptly recognized by Congress at its last session in confirming the action of the late called session of the territorial assembly, the Great Northern and Southern Railroad, that much needed thoroughfare has been almost completed to this point and is now a channel of busy commerce. We cannot too highly value the transportation of our growing community, so creditable to its enterprise, and the energies and patriotic means of the people who backed the road with their money and their sweat. The end of the year 1872 means. The Northern Pacific Railroad will soon be completed over the northern prairie."

our territory, from east to west. It will be of the greatest value to that region of the territory, and will be a potent agent in peopling and developing the country which it grasps and dedicates to progress and civilization. It is one of our greatest public works and cost the Nation a great price. I hope the end will justify the means."

His excellency appears to have been somewhat doubtful about the means employed receiving justification; but as time passes the trend of events is favorable. Speaking of other railroad enterprises, and there were a number, the message notes particularly one that the governor was personally identified with, having, with the delegate, been altogether instrumental in getting the charter from Congress without any previous consultation with the people of the territory. His favorite line was named the "Grand Trunk Railroad." He says: "Congress granted a charter at its last session for the construction of a system of roads in Dakota, which will furnish complete railroad privileges for the southern portion of the territory for many years to come. The trust has been confided to able agents who are property holders in Dakota, and who are actively alive to the settlement and development of the territory. I have full confidence that they are equal to the undertaking and that they have at command the power and the resources commensurate with the work to be done under the charter granted by Congress. The greater portion of the surveys of the road and its branches have been completed, and this work will be renewed with great activity early in the spring of 1873. This franchise granted by Congress for the building of over one thousand miles of railroad, does not extend assistance equal to that given the Northern Pacific Railroad for building three miles of railroad in the same territory."

"The Winona & St. Peter's Railroad is in rapid construction in the direction of the Sioux Valley, and will soon be finished to the extent granted by its charter. It will be a natural feeder to our system of roads from the Northwest. I have great faith in our prosperity which will grow out of these great works. They are the means which the Spirit of Progress has placed in our hands for the perfect development of our territory, and while I believe no man is able to estimate our future from the standpoint of the present, I feel it my duty to call your attention to the consequent changes that must take place in our country by means of these powerful agencies (vague and anticipatory as these changes may now present themselves), that you may be able to shape your legislation to suit the enlarged state of affairs that will inevitably follow."

Many other recommendations are made, such as a codification of the laws, regarding the territorial library and its care; to provide for the safe keeping of the territorial arms and ammunition; recommending that the territorial officers be required to keep their offices at the capital, instead of their homes, as had been and was the custom. Commending the reelection of Pres. Ulysses S. Grant, the message perceives great benefits to follow to the whole country, and—"to a people so rapidly developing as we are, and engaged in so many enterprises requiring the aid of capital from abroad, such a policy (the financial policy), is not only beneficial but absolutely necessary to our continued prosperity." In conclusion the governor says: "In the performance of the constitutional duties of my office, I have endeavored to promote an honest and economical administration of affairs, and in all cases have endeavored to be more mindful of my duty and the strict letter of the law, than of disarming criticism or seeking an ephemeral popularity."

Yankton, D. T., Dec. 2, 1872.

JOHN A. BURBANK.

On the sixth day a resolution was presented by Councilman Bramble, democrat, that W. T. McKay, Moody republican from Charles Mix County, was not entitled to the seat he occupied, and that J. D. Flick, democrat, is entitled to such seat. The resolution was adopted with the aid of the Brookings republican votes, and Mr. Flick was seated. McKay gave notice of a contest.

In the House, on the eleventh day, Mr. Garland, Brookings republican from Bon Homme County, was summarily unseated, and Norman B. Campbell, democrat, seated. This Mr. Campbell was a son of Gen. C. T. Campbell, later of Scotland.

Mr. Pettigrew presented a resolution providing for the appointment of a special committee of one from each county to whom all bills and matters relating to apportionment be referred. The resolution was adopted.

On the eleventh day, the House Committee on Elections reported on the case of E. A. Williams vs. Mr. Langlois, sitting member from the Fifth Representative District, Buffalo County, including the Missouri crossing of the Northern Pacific Railway where Williams resided. The report gave Williams 164 votes; and Langlois 51 votes. Mr. Williams was seated; he had not been identified with either faction of the republican party, but he was a republican. The contest was decided on its merits. The same committee reported the case of William P. Lyman vs. Foster T. Wheeler, Charles Mix County, giving Lyman 158 votes

and Wheeler, 55. Wheeler was the sitting member, and a republican; Lyman was a democrat. Lyman was awarded the seat.

Considering the state of party and factional feeling prevalent in legislative bodies, it is possible that action on these contests was influenced more by partisanship than justice. The combination of one faction of republicans with the democrats, and the programme evidently arranged for legislation during the session may have required a two-thirds majority in the Legislature in both houses, in order to override the veto of the governor, which it was probably apprehended would be occasionally interposed.

The great journalist, Horace Greeley, died at Tarrytown, New York, during the last of November, 1872. He had been the candidate of the liberal republican and democratic parties for President at the late election, held a few weeks before he died. It was currently reported that the campaign and its results had worried him grievously and brought on his fatal illness. The Dakota Legislature adopted resolutions of respect and condolence at this session.

In the contested election cases before the House of Roberts vs. Pettigrew, and Wheelock against Wahl, in the Sixth Legislative District, composed of Turner, Lincoln, Minnehaha, Brookings and Deuel counties, two reports were submitted on the eleventh day by the Committee on Elections composed of Jacob Brauch, Yankton County; Silas Rohr, Union County; Martin Trygstad, Brookings County; John W. Turner, Turner County; and Bligh E. Wood, Bon Homme County. The three first named were members of the Moody faction; Turner was the democratic member, and Wood the Brookings member. The following is the majority report:

Mr. Speaker: Your Committee on Elections, to whom was referred the contested election cases of Roberts against Pettigrew and Wheelock against Wahl, have had the same under consideration and beg leave to report that after taking a large amount of testimony on behalf of the contestants, and listening patiently to the arguments of counsel, they have arrived at the following conclusions:

The number of votes as returned and canvassed for Mr. Pettigrew by the registers of deeds of the different counties composing the Sixth Legislative District, was 591; and for Mr. Roberts, 392; for Mr. Wahl, 616; and for Mr. Wheelock, 392. This number of votes must be taken as the starting point, and unless the evidence overcomes the presumption in favor of the returns, they must stand as the relative number cast for each party. The committee has permitted the greatest latitude to the contestants in the presentation of their testimony, and while some of the evidence tends to throw some doubt upon a portion of the returns of Deuel County, still we have the positive testimony, introduced by the contestants themselves, that there were at least eighty voters residing in Deuel County, and there was no positive testimony that any one person, not qualified, voted in Deuel County. By counting only the number of legal votes shown by the testimony of the contestants, including the testimony of the governor, and not counting any other vote, it still elects both of the sitting members. The testimony of the contestants was not of that clear and positive character with reference to the illegality of the Deuel County vote, which would authorize your committee to take action to that extent to say that the returns made by the sworn officers of the law were fraudulent and void, and that those men were guilty of a violation of their sworn duties. What testimony might have been produced your committee is unable to say; ample opportunity, all that was asked, has been afforded the contestants, and they have failed to produce the name of one person who voted upon that occasion, or to specify by name one person, who so voting was disqualified by reason of not residing in the territory. Therefore the return must be taken as true, the contrary not being shown, your committee, in accordance therewith, recommends the adoption of the following resolutions:

Resolved, That R. E. Pettigrew is entitled to his seat.

Resolved, That J. M. Wahl is entitled to his seat.

(S. Read)

JACOB BRAUCH, Chairman.

SILAS ROHR.

MARTIN TRYGSTAD.

Mr. Turner from the same committee submitted the following minority report:

Mr. Speaker: A minority of the Committee on Elections, to whom was referred the two cases of Wheelock against Wahl and Roberts against Pettigrew, composed of one member, reported in this House by said Pettigrew and Wahl, would respectfully report that they

carefully examined the voluminous amount of evidence submitted for their consideration, as time would allow them to do. It appears by examining the abstract of votes cast and returned to the secretary's office, including Brookings and Deuel counties with Lincoln, Minnehaha and Turner, that the case would stand as follows: Wahl, 619; Wheelock, 392; Pettigrew, 592; Roberts, 392. And by excluding Brookings and Deuel counties, it would stand thus: Wahl, 341; Wheelock, 378; Roberts, 378; Pettigrew, 302.

That the evidence submitted is such that your committee is impressed with the belief that many illegal votes were cast which were included in the abstract of votes as returned to the secretary and now in the hands of your committee, which together with the testimony of the parties litigant introduced, is too voluminous to be embraced in this report, but all of which is herewith submitted for the consideration of the House. Your committee is of opinion that some fifty odd votes might properly have been cast in Deuel County if the organization was such as to entitle it to participate in the election in accordance with law. Your committee would further report that they have been unable to find any provisions of law attaching Deuel County to Brookings except for judicial purposes, and are at a loss to determine where Brookings County found authority for canvassing Deuel County votes and certifying them to the secretary with the Brookings County canvass. Your committee would therefore submit the foregoing with the accompanying resolutions and recommend that the House fill the blanks with the names of the persons entitled to the seats now occupied by Pettigrew and Wahl.

J. W. TURNER,
B. E. WOOD.

Resolved, That _____ is entitled to a seat in the Legislative Assembly as a representative from the Sixth Representative District.

Resolved, That _____ is entitled to a seat in the Legislative Assembly as a representative from the Sixth Representative District.

There was considerable skirmishing over these reports, and it seems that there had been considerable change in the sentiment of some of the members. A motion to adopt the majority report was lost. The House then resolved to make a special order for both reports at the afternoon session. The result of the special order in Committee of the Whole was a return of both reports to the House without recommendation. Five or six members absented themselves and on call of the House were brought in by the sergeant-at-arms. No further action was taken on the committee reports at the time, but a motion was made that Messrs. Roberts and Wheelock be admitted to the seats occupied by Pettigrew and Wahl. The motion prevailed by the following vote:

Affirmative—Ashmore, Becker, Bottolfson, Glynn, Hyde, Hamilton, Kingsbury, Knapp, LaMoure, Miner, O. C. Peterson, Turner, Williams Wood, and Mr. Speaker—fifteen.

Negative—Brauch, Clark, Campbell, Lyman, Norbeck, J. Peterson, Rohr, Thomson, and Trygstad, nine.

Pettigrew and Wahl not voting. Wheelock and Roberts were sworn in, and a motion to reconsider the vote by which they had been admitted and that the motion to reconsider be laid upon the table was adopted, and it seemed that the vexed question was settled; but the next morning the committee reports were brought up as unfinished business, on a motion to insert the names of Pettigrew and Wahl in the blanks in the minority report, and that report be adopted. It looked as though there was "a cat in the meal-bag." The chair ruled the motion out of order. On appeal, the House overruled the speaker. Members kept withdrawing from the House, a call was ordered, and the sergeant-at-arms was kept busy bringing in the absentees; and finally the House adjourned without disposing of the case.

The friends of Wheelock and Roberts evidently secured a safe majority for their case during the time following adjournment, for the first business at the following morning session was a motion by one of their supporters that the committee reports in the case be taken up and disposed of. The motion carried by a vote of fifteen to nine, which was followed by a motion by Representative LaMoure, of Pembina County, that the consideration of the reports be indefinitely postponed, which carried, and the matter was finally settled.

The contest in the Council from the same district, between Jerry Geehon, democrat and contestant, against G. W. Harlan, sitting member, both from

Lincoln County, came up in that body on the same day, and Mr. Geehon was seated. In order to figure Mr. Geehon ahead in the district, the vote of Brookings County had to be taken into the count, for Geehon had carried that county and needed the votes. Brookings County was a new county, organized only a few months prior to election. It then embraced both the counties of Moody and Lake; and Flandreau was one of the voting precincts in Brookings County, and Medary was the other. Flandreau cast 5 votes for Harlan, and 47 for Geehon; and Medary cast 9 for Harlan, and 14 for Geehon. But the register of deeds, a young man named Packard, who had been appointed, had taken the liberty of throwing out the Flandreau vote because of "gross informalities and inaccuracies," and it was alleged that it had another mark of gross invalidity in that it was sufficient if allowed to overturn the register of deeds' majority. The Council however, had no such scruples, counted the vote, and admitted Geehon and excluded Harlan. There were 75 votes cast in Brookings County including the "Flandreau" vote, and 269 in Deuel County which had no organization. Evidently Deuel County had been slow to recognize its voting strength, for it required only 50 voters under the law to entitle a county to an organization.

On the seventeenth day of the session, a party named J. H. Stone, of Fargo, through Councilman Bramble, presented notice that he would contest the seat of Enos Stutsman, of Pembina. This was a surprise, as no inkling of a contest from that quarter had been given out. It does not appear that any action, except to fix a time to hear the report of a committee was taken by the Council, and before this report was made Mr. Stone sent a communication to the Council that "business complications in the East demanded his immediate attention, on account of which he was compelled to withdraw from the contest." Mr. Stone disappeared and was not afterward heard from. Mr. Stone claimed to be a democrat elected on the Moody republican ticket, and his success meant an endorsement of the vote cast at Fargo which was rejected by the territorial board of canvassers, and would have elected Moody to Congress over Armstrong had it been counted. When Mr. Bramble and other democrats discovered this they hastened to notify Mr. Stone that his case was hopeless. Then followed the "business complications" mentioned above which urgently demanded that gentleman's immediate attention elsewhere.

The Legislature adjourned on Friday, January 10, 1873, after a session of forty days, characterized a portion of the time by proceedings bordering on the scandalous, growing out of the large number of illegal votes cast at precincts along the line of the North Pacific Railway, and also on the Winona and St. Peter's in Deuel County. The objective point was to get recognition of this alleged fraudulent vote by the admission of legislators who would have been elected if it was allowed, and with this for groundwork, institute a contest before Congress, against Armstrong, for the seat of delegate. The surprising feature of the plan was that the democrats aided in the scheme for several weeks without discovering its ultimate purport.

Although this situation did not materially change before the final adjournment and for possibly a year after, the year 1872 was the last of the open conflicts at the polls between the factions of the republican party.

Prominent among the laws enacted at this session were the following: To prevent accidents at railroad crossings; to punish adultery; relative to paupers; for taking a census of Dakota for the year 1874 (the prime object of this law was to furnish a census of the newly settled counties in the north particularly, that would greatly aid the next Legislature in making an apportionment, and in various matters); creating new counties and defining their boundaries (it was at this session that the entire territory was carved into counties for the first time and named after the names of the members of the Legislature largely); to appoint deputy county surveyors; to provide for a synoptical index to all laws in force in Dakota; to encourage the growth of timber; to organize a system of township government; to provide for the revision of the general laws of Dakota.

prohibit the sale of intoxicating liquors on election days; defining boundaries and naming counties west of the Missouri River; defining the boundaries of Pembina County and naming new counties; to provide against the evils resulting from the sale of intoxicating liquors in the territory; to divide the Sixth Council and Representative District and create two new council and representative districts; to pay the officers and members of the called session of the Legislature of 1870-71, amount, \$735.00; repealing the civil code of 1862, and amending the act to simplify and abridge the practice, pleadings and proceedings of the courts of this territory passed at the seventh session.

There were forty-three memorials to Congress, most of them relating to mail routes and mail service; one for a land office in the Big Sioux Valley; one for opening up the Black Hills Region; for a grant of land to the Dakota Central Railway, and also to the Vermillion Valley and North Pacific Railway; and also to the Dakota, Black Hills and Eden Railway; also to the Eden, Sioux Falls and Kampeska Railroad; also to the Dakota, Pacific and Missouri River Railroad; also to the Grand Trunk Railroad; also to the Sioux City, Richland and Northern Pacific Railway; also to the Dakota and Northwestern Railroad; also for bridges over the Sioux, Vermillion, Dakota and Red rivers; to construct a wagon road in the valley of Red River; to remove obstructions in the Red River; asking that Yankton be made a port of entry, and a marine hospital be established there.

MAJOR GENERAL HANCOCK—FORT BENNETT BUILT

Major General Hancock, commanding the Military District of Nebraska, Minnesota and Dakota, accompanied by ex-Governor Magoffin, of Kentucky; Colonel Merriam, of St. Paul, and Colonel Russell and Captain Heath, of Hancock's staff, made a tour of inspection of the Upper Missouri forts in the fall of 1872, after the return of the Sheridan party. As the steamboat *Western*, upon which the party was traveling, put into Yankton and remained a part of the day, a number of the citizens, including Gen. Edwin S. McCook, Mayor F. J. Dewitt, Banker P. P. Wintermute and Hon. Charles H. McIntyre, entertained the visitors with a carriage ride, and gave them an opportunity to meet the people. In a brief interview General Hancock stated that he had no apprehensions of serious trouble with the Indians, and the only formidable disturber of peaceful relations was the construction of the Northern Pacific Railroad west of the Missouri; but a war could be easily avoided by approaching the unruly tribes in a proper spirit, letting them see that their opposition cannot prevent, or even delay the building of the road; but by their help and peaceful disposition it would be easier and cheaper, and much more profitable to the Indians who should be liberally treated from the outset, it being a hundred-fold better and more economical to purchase the good-will and peace of the Indians than to fight with them, and chase them and slaughter them; for then they would be a constant irritation even after the road is completed and trains running; for they could then do much more harm and cause greater destruction to life and property than at present. No pains were to be spared to make a satisfactory arrangement with the natives.

In 1872 a military post was erected at Cheyenne Agency, called Fort Bennett. It was not far from Fort Sully but on the opposite or west side of the river. The situation in the Indian country was of that threatening character that emergencies were apprehended in the vicinity of the Cheyenne Agency calling for summary action by the military which would not admit of the delay incident to obtaining relief from Fort Sully. The Cheyenne Agency supplied rations to about five thousand Indians who made that their supply depot, and many of these were known to have "bad hearts" toward the whites. The Sioux, at this time, all through the upper country, manifested many hostile symptoms, growing out of the construction of the North Pacific Railroad, and military men freely

predicted an Indian war, in which the Indians would have to be severely broken in spirit before the Upper Missouri would be free from the menace of Indian depredations and whites could with safety travel through the country, or steamboats could navigate the Missouri free from molestation. Of the nearly five thousand Indians at Cheyenne, 1,800 were counted as hostile, though they visited the agency on issue days and drew their rations. Nearly three thousand who belonged at this agency were inclined to practice the arts of peace and civilization, and obey their treaty. The Government built about two hundred frame houses on the reservation for this peaceable class, which were all occupied by the more advanced and industrious families, and were furnished with chairs, tables, bedsteads, and stoves.

Gen. Philip H. Sheridan, commanding the military Department of Missouri; Maj.-Gen. D. H. Rucker, chief quartermaster Department of Missouri; Colonel McPheely, chief of the commissary department; Col. Mike Sheridan, a brother of the general's; Colonel Tahrar and Gen. Frank Sherman, of Chicago, with Lieut. Fred Grant, son of the President, paid a brief visit to the capital of Dakota on Sunday, September 22, 1872. The party had been up the river on a tour of inspection as far as the Northern Pacific Crossing, and were returning. Yankton citizens entertained them with a band of music, a carriage ride, and a reception at the home of P. P. Wintermute, which stood on the northwest corner of Eighth and Green streets. The party was traveling on the steamboat Western, Capt. Sanford B. Coulson.

While the fur trade of the Upper Missouri had steadily declined from about 1864, it continued for many years after that date to be of such importance as to engage the attention of enterprising business men. One of the last parties that carried on the traffic on an important scale was the firm of Durfee & Peck—Geo. H. Durfee and C. K. Peck, both of Iowa, and men of superior business ability. They owned a line of steamboats and a number of trading posts in the Upper Missouri country, the best known being Fort Peck above Fort Buford. Their business in 1872 amounted to about a quarter million dollars. They took in 24,000 antelope skins; 8,000 deer; 10,000 buffalo; 500 elk; 2,000 wolf; 600 beaver; and 1,000 fox. The fur business rapidly diminished as a consequence of building the Northern Pacific Railroad west of the Missouri; the country it traversed being one of the most prolific fur producing sections in the Northwest.

UNITED STATES LAND OFFICE AT YANKTON

The Fourth United States Land District in Dakota Territory was defined and named by act of Congress in 1872, while Mr. Armstrong was delegate, and the land office of the district was located at Yankton. During the summer, Hon. George H. Hand, of Dakota, was appointed register, and Hon. Lott S. Bayless, of Terre Haute, Indiana, was appointed receiver, and the office was opened for business on Wednesday, July 24, 1872. The district was bounded as follows: "Beginning at a point on the north bank of the Missouri River at the intersection of the line between ranges 52 and 53; thence north along said range line to the 46th parallel of north latitude; thence west along said parallel to the line between ranges 57 and 58; thence south along said range line to the Missouri River; thence easterly along the north bank of said stream to the place of beginning." The district was officially designated as the "Dakota Land District," and the office was located at Yankton, then capital of said territory.

Mr. Bayless had quite an experience in endeavoring to get a federal position in Dakota with the aid of Governor Burbank. He was nominated by the President to be surveyor general of Dakota in place of General Beadle, who being apprised of the matter succeeded in checkmating the proposed change. This was in 1871. Mr. Bayless was subsequently appointed assessor of Dakota in place of G. W. Kingsbury, whose term had not expired, and who also resided in Washington and was reinstated by President Grant. He was next appointed

receiver of the new land office at Yankton, where he did not come in contact with an unwilling predecessor, and he was duly confirmed. He was about eighty years old when appointed, but was quite vigorous—a hale old gentleman, born during the closing years of the eighteenth century; fond of relating his experiences in the political field which covered a half century of active participation. He was an enthusiastic and successful gardener, and never failed to have an attractive exhibit from his ample garden, cultivated by himself, at the county fairs.

FIRST DEMOCRATIC NEWSPAPER—LAND SURVEYS IN THE NORTH

The Dakota Herald was established at Yankton in 1872. Maris Taylor, of Yankton, and T. F. Singiser, late of Shippensburg, Pennsylvania, were the editors and proprietors. It was a weekly publication and the first democratic paper published in the territory after its organization, with the purpose of making it a permanent enterprise. The Herald had purchased a very complete and entirely new plant. Prior to this Joseph H. Taylor, an elder brother of Taylor of the Herald firm, had published the Dakota Democrat at Yankton for a few months during the campaign of 1868, when there were five candidates for Congress in the field, renting the material used from the Union and Dakotian office.

Twenty thousand dollars were expended for land surveys in Dakota Territory in 1872, one half of which sum were expenses for the surveys in the Valley of the Red River of the North. The total amount of land in the territory surveyed up to the close of the year was a little over six and a half million acres, leaving over ninety million acres to be surveyed. In 1872 the work of surveys along the line of the Northern Pacific was begun. Here the railway company had been given every odd numbered section for twenty miles on either side of their road, and it became necessary to make the surveys in order that settlers might be able to select their claims on Government land. The railroad company did not place its land on the market during this year.

The Excelsior Flour Mills were built at Yankton in 1872 by D. T. Bramble, and William Miner, of the firm of Bramble & Miner and William Bordino and John O. Bates. The building was constructed of chalk-rock, and after over forty years of use is apparently as sound and durable as when first constructed.

The officers of the Vermillion Valley and Northern Pacific Railway elected in 1872 were J. W. Turner, president; M. D. Thompson, vice president; F. McKercher, secretary; V. E. Prentiss, treasurer; E. W. Skinner, general superintendent; H. J. Austin, chief engineer; and Dryden Smith, attorney. James McHenry, Henry Newton, Jesse L. Fish, Chas. H. True, and the president, vice president and secretary composed the board of directors.

The final settlement of the Frost-Todd suit in 1872 involved about seventy-five thousand dollars, all in real property. It consisted of ninety lots in the City of Yankton; twenty-four blocks in an addition adjoining the city on the north; 476 acres of land in Smutty Bear Bottom; 325 acres at the James River Bridge, east side, and forty acres in Union County near the Government bridge over the Big Sioux. There had been a suit in court for some years concerning a division of the property, but this settlement was between the heirs of General Todd and Colonel Frost out of court. Judge Brookings is credited with bringing about the settlement.

MINOR NOTES OF IMPORTANCE

At this session of the Legislature the time for holding the general election was changed from the second Tuesday of October to the first Tuesday after the first Monday in November. The time of the meeting of the Legislature was also changed from the first Monday in December to the first Monday of January following the election.

In 1873 Congress enacted a law increasing the pay of members of the territorial legislatures to \$6 a day and mileage—the president of the Council and speaker of the House to have \$10 per day. The officers allowed were a chief clerk at \$8 per day; assistant clerk, sergeant-at-arms, doorkeeper, messenger and watchman, \$5 per day. Governors, \$3,500 per annum, and secretaries, \$2,500. Territories were prohibited from enacting any law by which this compensation could be increased.

By executive order the United States Land Office at Vermillion, the first land office established in the territory, was removed to Sioux Falls, June 1, 1873. B. F. Campbell was register, and J. M. Washburne, receiver.

Senator Hitchcock, of Nebraska, was the author of what was known as the "Timber Culture Act," which passed Congress in 1872.

The southern portion of Dakota was visited by a slight earthquake at 11 o'clock on the morning of October 9, 1872. It was felt quite sensibly in all the towns and at the military posts but no damage resulted.

A Territorial Teachers' Institute was held at Yankton during the first week in December, 1872, under the direction of Prof. Nathan Ford, superintendent of the city schools.

The Sioux Falls Pantagraph, by W. F. Kiter, late of Council Bluffs, Iowa, where he had conducted the first book-binding in Western Iowa for about fifteen years, was first issued April 11, 1872. It was the first newspaper published in the Big Sioux Valley after the organization of the Territory of Dakota.

Warren Cowles, United States district attorney for Dakota, died at his home in Vermillion on Wednesday, August 28, 1872. Mr. Cowles was appointed to the office from Pennsylvania by President Grant and moved to Dakota in 1870.

CHAPTER LVI

THE NORTHERN PACIFIC RAILROAD

1872 and Later

THE STORY OF THE NORTHERN PACIFIC RAILROAD—PRESIDENT MONROE'S EXPEDITION—CONGRESS AUTHORIZES THREE ROUTES SURVEYED—JOSIAH PERHAM, OF MAINE, PATRIARCH OF THE NORTHERN PACIFIC—CONGRESS GRANTS CHARTER AND LAND IN 1864—JAY COOKE BECOMES FINANCIAL AGENT IN 1869—CONSTRUCTION BEGUN IN MINNESOTA IN 1870—REACHED MOREHEAD, ON THE RED RIVER OF THE NORTH, IN 1872—FIRST TRAIN—THE BRIDGE AT FARGO—LOCOMOTIVE ENTERS NORTH DAKOTA JUNE 8, 1872—FARGO FIRST NAMED "CENTRALIA" BY THE SETTLERS—SURVEY ACROSS DAKOTA—INDIANS ANNOY ENGINEERS—JAMESTOWN AND FORT WM. H. SEWARD—SITTING BULL HEADS THE INCORRIGIBLES—STRONG MILITARY FORCE ORGANIZED TO GUARD RAILWAY WORK—THE STANLEY EXPEDITION—FORT MCKEAN BUILT ON THE MISSOURI—HARD TIMES AND RUMORED FINANCIAL TROUBLES OF JAY COOKE—SILVER DEMONETIZED—BURLEIGH COUNTY—HISTORICAL SURROUNDINGS—ORGANIZATION—BISMARCK RECEIVES ITS TITLE FROM THE GERMAN CHANCELLOR—COOKE'S FAILURE—TEMPORARY SUSPENSION OF WORK ON THE NORTHERN PACIFIC—WORK RESUMED IN 1878—THE GREAT BRIDGE AT BISMARCK—A DISTANCE TABLE CASS COUNTY ORGANIZED.

In the year A. D. 1819 during the administration of President James Monroe, an expedition was sent up the Missouri River to determine or to acquire fuller information regarding the great water course, and also to explore the Yellowstone and the sources of that river which was regarded as the largest tributary of the Missouri. The expedition performed its mission with the aid of mackinaw boats, steamboats not having come into use on the Missouri at that time. The conclusion of the explorers was, substantially, that the Yellowstone appeared to present fewer obstacles to navigation than did the Missouri above the mouth of its principal tributary. The exploring party also made note of the natural resources of the country, particularly its soil, timber, and grasses, and its various streams, all of which received favorable mention.

The fur trade, however, and the protection of American traders from the illicit traffic conducted by the agents of the Hudson's Bay and Northwestern companies, which had virtually controlled the Upper Missouri fur industry from the beginning was the probable ulterior and most important purpose of the expedition. The Yellowstone Valley could be more securely and economically controlled in the interest of the licensed American traders than the Missouri country beyond which owing to its location and the natural surface or topography of the intervening country could be easily reached by foreign traders from the Assinaboine River in British America.

Since the close of the War of 1812, American traders backed by the officers of the army and Indian superintendents had made frequent complaints to the authorities at Washington of the lawless aggressions of the British Company, affirming also that they took advantage of their intercourse with the American Indians to poison their minds against the young republic of the United States.



NORTHERN PACIFIC BRIDGE, MISSOURI RIVER, BISMARCK

This exploration with others that followed were of the greatest value in determining the shortest route across the continent, when the building of a railway to unite the Atlantic and Pacific coasts came to be considered many years later. No sectional rivalry existed at the time of these earliest explorations. There was no basis for sectional interests such as existed a quarter of a century later, and the substantial information obtained largely favored a northern route to the Pacific from the western coast of Lake Superior, or a route up the Missouri Valley from the mouth of the stream. Each of these routes had its friends; but the Lake Superior proposition had the greater number of able advocates. It was believed to be many hundred miles shorter than any rival route that could be suggested, and would cross the Rocky Mountains by a more favorable pass; while the character of the country bordering it was discovered to be as desirable, in great part, for agricultural purposes as that of the middle and eastern states. Prior to the enactment of the Union Pacific charter, the northern route was a powerful candidate for the favor of the Government, and might have been selected but for the strong commercial lead and political influence then held by San Francisco and the great commercial emporiums east of the Mississippi; at the time the measure was being considered by Congress the great Civil war was pending; there was a feverish anxiety to hurry the construction of the road in order to favorably influence the union sentiment on the Pacific coast; and not least of the obstacles encountered by the advocates of the northern route was the lack of any reliable information regarding the sea ports of Oregon and Washington.

The route via Central Nebraska was looked upon as accommodating the country south as well as north much more amply than would a road built along the 45th or 46th parallel of latitude. Looked upon from this viewpoint at a time when this vast northwest of our country was not only unpeopled, but only partially explored, and its resources largely conjectural, it is not difficult to account for the decision of Congress, under all the circumstances, favoring the more southern route for the Union Pacific. But that the northern route had grown in public favor as the result of the agitation and further information obtained, especially in the northern states is sufficiently attested by the action of Congress, two years later in granting a charter to the Northern Pacific.

As early as 1853 Congress authorized the survey of three routes to the Pacific, the work to be performed by army engineers. The purpose of the surveys was declared to be "to ascertain the most practicable route from the Mississippi River to the Pacific Ocean." The three routes proposed were one terminating at San Diego, California; this was the southern route. The second or middle route terminating at San Francisco; and the third or northern route at the straits of San Juan le Fuca, on Puget Sound. Jefferson Davis was at that time secretary of war, and selected the engineers to make the surveys, and probably named the initial points on the Mississippi River. The result of the surveys so far as they were completed are said to have favored the northern route, though the secretary of war, being a radical southern man, was presumably prejudiced against it and did not permit the execution of the survey from St. Paul, Minnesota, to the Rocky Mountains, although the surveyors of the western end of the proposed route, among whom were Capt. George B. McClellan and Capt. John Pope, afterwards famous generals, reported an excellent route from the head of the Missouri River across the Rockies to Puget Sound. The result of these surveys was to add largely to the general stock of information respecting the western portion of the country, and enough had been learned of a semi-official character to satisfy well-informed people that the northern route was the shortest and most practical, and not inferior in valuable natural resources.

The continental railway agitation was kept up in a desultory manner until the breaking out of the Civil war—the slavery question, and the Kansas trouble—as political questions overshadowing all other questions in the councils of the National Legislature. Finally, in 1864, two years after the Union Pacific had

been authorized, Congress granted a charter to the Northern Pacific Railroad Company authorizing the construction of a railroad and telegraph line, beginning at a point on Lake Superior in the State of Minnesota, thence westerly by the most feasible route within the Territory of the United States, on a line north of the 45th degree of north latitude to some point on Puget Sound. The charter granted right-of-way and every other section of land for twenty miles on each side of the road except mineral lands. The charter named a board of incorporators, consisting of two members from each state and two from the Territory of Dakota, to wit: Hon. John B. S. Todd, of Fort Randall, and Hon. M. K. Armstrong, of Yankton, representing the territory as members of the board. This board met in Boston in September, 1864, organized, and elected Josiah Perham, of Maine, its first president. Mr. Perham had been foremost as an advocate of the enterprise for many years, and prior to the present organization had obtained a charter for a Northern Pacific Railroad from the State of Maine, and had gone before Congress with a memorial for a land grant in aid of his proposed continental highway. Willard Sears was elected vice president at the same meeting; Abiel Abbott, secretary; and J. S. Worthington, treasurer. Stock subscription books were opened at this meeting, over twenty thousand shares of stock subscribed, and the first assessment of \$10 per share paid down by the subscribers, placing over two hundred thousand dollars in the treasury. A meeting was then called of the stockholders and was held the following December also in Boston, when the following named thirteen directors were chosen: Josiah Perham, J. S. Withington, A. W. Banfield, Philander Reed, Ogden Holt, Richard B. Sewall, Willard Sears, Abel Abbott, Nathaniel Greene, Jr., P. J. Forristall, John A. Bass, James M. Beckett, and Oliver Frost. Mr. Perham was elected president of the directorate and of the company.

Following these proceedings there was a period of five years during which no progress was made in the actual construction work of the road. The directors and stockholders were all wealthy men and leaders in great enterprises; but the construction of the Northern Pacific would need many millions of money more than they could supply from their personal resources. It was confidently expected at the time that Congress would extend the same substantial assistance to the Northern Pacific that the Government had already given to the Union Pacific; but Congress, when appealed to for aid, declined to do more than it had already done. The aid extended to the Union Pacific was represented as an emergency case wherein the Government and the whole people of the country were vitally interested, and to such an extent that the Government itself would have built the road had it not been that a private company was willing to undertake it. Congress further discovered that public opinion had become greatly modified respecting the policy of land grants and other subsidies to railways, and had set its face irrevocably against the policy; from that time no further aid, even that of land grants, was extended to any railway enterprise.

The friends of the great project, however, did not despair. They continued their efforts, though amid many discouragements. In 1866 J. Gregory Smith, of Vermont, was elected president of the company, and Edwin T. Johnson, of Connecticut, an early and enthusiastic advocate of the road, appointed engineer-in-chief. But the "sinews of war" were not forthcoming. It was estimated that the land grant to the company amounted to over fifty million acres, covering an area, if compact, greater than one-half the Territory of Dakota. But the entire West was at that time a vast empire of public lands, free to all who would take advantage of the liberal land laws; and the men of wealth, both in our own and foreign countries seemed disposed to look with distrust upon the value of the Northern Pacific land grant as an inducement for investment that promised any returns to the generation of people then inhabiting the civilized portions of the world.

In the summer of 1869 a reconnoissance survey of the proposed line of the road through the Territory of Dakota was made by Governor Marshall, of Min-



CLEMENT A. LOUNSBERRY,
BISMARCK

Photo at 21 years of age, when Captain
in 20th Michigan Volunteers



ERASTUS A. WILLIAMS

Bismarck pioneer, lawyer and legislator



ALANSON W. EDWARDS

Edgo pioneer



ARTHUR P. FINN

A GROUP OF NORTH CAROLINIANS



nesota; Dr. Philip Holmes, A. B. Taylor, Jr., and George A. Brackett, with Pierre Bottineau as guide. The report does not state at what point the party crossed the Red River of the North coming from Minnesota, but it was done near the mouth of the Cheyenne River. Their route through the territory was up the north side of the Cheyenne, over a country of sand and gravel, to Totten at Devil's Lake. From Totten a good route was found to Fort Stevenson, twenty miles south of the old trading post of Fort Berthold, on the Missouri River, where the party found a suitable terminal point. This survey, which was prosecuted on horseback was for the purpose of examining the country with the view of securing a feasible route through the most promising agricultural portion. When the road was finally located, however, it took a more direct line further south, striking the Missouri about opposite the mouth of Heart River.

The western party consisting of Thomas H. Canfield, general agent; W. M. Roberts and Wm. H. Johnson, topographical engineers; Mr. James Moorhead of the famous Jay Cooke & Co., banking firm, and Samuel E. Wilkenson, traversed the country east from Walla Walla, Oregon, on the Columbia River to the Yellowstone, crossing the Rocky Mountain Divide not knowing it was the main range, so gradual was the ascent and descent. This party made a very encouraging report.

Finally and apparently as a last resort to secure the funds to build the road, the company, in 1867, tendered to Jay Cooke & Company, bankers of Philadelphia, the financial agency of the company. This firm had stood with the secretary of the treasury, Salmon P. Chase, during the Civil war, and successfully managed the sale of hundreds of millions of United States bonds. Cooke, before accepting, caused a thorough inspection of the country through which the line was projected. Meanwhile Congress had authorized the company to place a mortgage on all its property including its land grant; and the house of Cooke, upon concluding to take up the enterprise, secured this mortgage, and work was then begun, Jay Cooke & Company advancing the money for this purpose.

The principal advantages held by the Northern Pacific Railway and peculiar to the route were these: It lessened the distance by water and rail between New York and the Pacific coast about six hundred miles. It lessened the distance between London and Chinese ports, by the trans-continental route, 1,400 miles. Its elevation in the mountain region is 3,000 feet less than that of other lines, resulting in diminished snow fall, a milder climate, and far easier gradients.

On the 15th day of February, 1870, ground was first broken at Thomson Junction, near Duluth, Minnesota, and at the close of the year 1871 the Northern Pacific Railroad had been constructed to the east bank of the Red River at the North, where the Town of Moorhead had been founded by the Puget Sound Land Company, an organization in charge of townsites along the line of road.

The Northern Pacific track was laid to the east bank of the Red River of the North, early on Wednesday, January 3, 1872, and on Thursday, the 4th, the first train arrived at Moorhead on the Minnesota side. The officers of the train were C. W. Block, conductor; W. Snyder, engineer; E. Cameron, fireman; and Capt. R. H. Emerson, engineer of the snow plow. Several deep cuts had been filled with snow. It was a winter remarkable for its heavy snows and cold weather.

The bridge for the Red River of the North crossing from Moorhead to Fargo was shipped on this train already framed and ready to be put in place. It was a single span, 100 feet in length. This bridge was put in place and completed, and on the 8th of June, 1872, the men who laid and the train which crossed to the Dakota side.

The railroad line was located across the territory from Fargo to Moorhead, nearly to the James River crossing in 1871. The directors of the territory held a meeting in New York in September of that year, and awarded a contract to Payson, Gould & Company for the construction of the line through Dakota Territory from the Red River to the Missouri, a distance of 700 miles. The same

to be completed by the 1st of July, 1873, and at the same time another contract was let to DeGraff & Company of St. Paul, to construct a road from St. Cloud, Minnesota, to Pembina, a distance of 350 miles to be completed by January 1, 1874.

An engineer's camp was established in November, 1871, on James River, 110 miles west of the Red River, and fifty miles west of the second crossing of the Cheyenne; and the Puget Sound Land Company located a town there in 1872, naming it Jamestown, in honor of Jamestown, Virginia. It had a motley population of settlers, including many Sioux half-breeds. The Indians annoyed the surveyors in the field, and troops were ordered to the James Crossing by General Hancock, then in command of the Dakota department, and barracks were erected, named Fort Cross, and afterward called Fort Seward, in memory of the famous New York statesman. The name first given was in memory of Colonel Cross, of the Fifth New Hampshire Volunteers who fell at the battle of Gettysburg. Two companies of troops under General Thomas were stationed at Fort Seward in 1872. The engineers had not definitely located the route for a portion of the line west of the James at this time, grading, however, had been completed to the James and for some distance west. General Rosser, the chief engineer and B. C. Lindsley, assistant chief, were at the camp on the James, while Gen. George A. Brackett, of Indian war fame had charge of the construction work. During the year the work of construction was prosecuted with great energy. One of the grading contracts, covering, it was said, about fifty miles on the western end had been taken by Hon. W. A. Burleigh, who had been identified with the preliminary negotiations for the Dakota Southern Railroad. Thus he became associated with the construction of the two first and most important railroad lines in the territory.

The opposition of the Indians was strongly manifested during 1872, not only west of the Missouri where the engineers were looking over the proposed routes beyond, but also between the James and Missouri; the surveyors and construction parties found it necessary in the prosecution of their work to be attended by troops, in order that they might be free from the annoyances of small war parties whose evident purpose was to disturb and hinder the work by threats and intimidating conduct, which might have been made more serious but for the fort at James River and the two companies of soldiers that patrolled the unfinished line. The season of 1872 that permitted of grading closed in the early winter, owing to rigorous weather, with about fifteen miles of the grade on the western end unfinished.

Surveying parties west of the Missouri were under the escort of a strong force of troops under able and experienced commanders. While the peace treaties were observed by a majority of the Sioux, there were many strong bands in open warfare against the extension of the railroad through the country west of the river on the ground, as they claimed, that it would frighten the game away upon which they largely depended for subsistence. About this time the notorious Sitting Bull came into prominence as a leader of this hostile element and as one of the most incorrigible; and for several years he continued as the hostile leader in what was known generally as the Yellowstone country, through which the Northern Pacific was projected.

To protect the railroad surveyors the commander of the department gave orders for the organization of a strong military force. Six companies of cavalry were detailed from Forts Randall, Sully and Rice as an escort for the railroad parties, with Gen. John G. Whistler, then at Fort Sully, in command. An artillery detachment was connected with the expedition, a train of mule teams carrying provisions, camp equipage and ammunition, and a company of Indian scouts from Forts Abercrombie, Ransom and Wadsworth. Whistler's rendezvous was at Fort Rice, in September, and an enumeration of his force gave him about eight hundred effective men. The enemy he expected to meet was made up of Sitting Bull's incorrigibles, composed of fragments of the Uncapapas, Black-

feet and Minneconjoux, the tribes who had already left their agency at Grand River, prepared for war, for the purpose of resisting the military and destroying the railroad surveyors. Whistler's expedition does not appear to have met the hostiles in any considerable force, the Indians pursuing a stealthy policy, in small parties, more intent on securing plunder, in the shape of horses, rather than exposing their combined forces to battle. It is probable, however, that had Whistler been poorly equipped with a smaller force, he might have met an overwhelming force and been destroyed. His enemy was undoubtedly well informed regarding his force and equipment, especially his artillery which they dreaded, and discreetly left him alone.

General Stanley, who was in command of the District of Dakota with headquarters at Fort Sully, also headed a northwest expedition in 1872, said to have been 1,400 strong, whose purpose was to study the Indian situation generally in the hostile region, for the purpose of ascertaining the strength of the refractory element, what tribes were represented in the obstructive work, their numbers and their grievances. He also gathered much valuable information regarding the Yellowstone and tributary country and made observations at certain points with a view to the establishment of military posts.

Hostilities and the attitude of Sitting Bull had already assumed a phase so serious that military men freely predicted an Indian war before the differences could be settled; and General Sheridan, who commanded the department of the Missouri at the time, asked for the construction of two military posts between the Missouri and Fort Ellis, Montana, the estimated cost of which would be a quarter million dollars. Two thousand troops, it was estimated, would be required to give effectual protection to the parties employed in building the road.

Fort McKean had been built in 1871 near the mouth of Heart River on an eminence overlooking the country, mainly for the purpose of affording protection to the railroad people. Two skirmish fights during the fall took place not far from the post with fatalities on both sides. Lieutenant Crosby, of the Seventeenth Infantry, in command of an engineer's camp on Heart River was killed and badly mutilated within a few hundred feet of the camp. He had wounded an antelope and followed it over a near-by hill out of sight of the camp. He did not return and his comrades went in search and found him very near the place where he had disappeared over the hill. The Indians had been on the lookout for an opportunity of this kind. Two or three days later, Lieut. Lewis Dent S. Adair, of the Twenty-second Infantry was riding by the side of General Rosser, division engineer, when the two men were attacked by Indians not far from the camp, and the lieutenant shot through the body. Adair returned the fire after receiving his fatal wound, and killed the Indian who shot him. Adair was a relative of President Grant.

It was currently reported during the year 1872 that Jay Cooke had become convinced that without the aid of foreign capital the further construction of the Northern Pacific Railroad west of the Missouri River would have to be for the time relinquished. The financial centers of the United States could not be depended upon for further loans, and there was an unrest and anxiety in all the great financial centers of Europe. It was only the year before, 1871, that the great war between France and United Germany was concluded—the event that marked the advent of Bismarck to a position among the world's greatest statesmen; the permanent consolidation of the German states, and the wresting of Alsace and Lorraine from France. It also marked the dethronement and downfall of Napoleon III, the French Emperor, and the establishment of the French Republic which has since been the ruling power of France. This momentous event alone added to the heavy money indemnity exacted of ~~Europe~~ the victorious Germans, precluded all possibility of obtaining financial aid from that quarter which before had been relied upon as able at most any time to ~~pay~~ the debt of nations. Moved by a sentiment of admiration for the German chancellor, possibly mingled with a purpose to pave the way to the financial heart of

the German capitalists of the patriotic class, the authorities of the Northern Pacific Railroad called the name of the town at the Missouri terminal, Bismarck. A map of the road and townsite was sent to the distinguished Prince Otto von Bismarck, who acknowledged the compliment paid him in an autograph letter.

There existed an unusual stringency in all the great financial centers of Europe at this time. The distinguished American statesman, John Sherman, who represented Ohio in the United States Senate and was regarded as one of this country's leading financial authorities, made a tour of the leading capitals of Europe studying the financial systems and the financial situation. Very soon after his return a bill was quietly introduced by him in the Senate to amend the coinage laws of the United States, which, however, attracted little attention at the time, the United States financially working under the law suspending specie payments enacted early in 1861 as a war measure.

As the country had been for eleven years on a paper basis, using no metallic money whatever in the ordinary business of the people, the change did not attract attention for a number of years, but in the course of time it was discovered that the value of silver, measured by gold, had lost heavily, and as this was the period when our great silver mines were being developed in Montana, Colorado, Dakota, and the other districts where the mining of precious metals formed a leading industry, the difference in value was found to be such a burden to the silver industry that mining the metal became unprofitable, and the matter became a national political issue, and stirred the country as no question, save secession, had before affected the public mind.

Mr. Sherman's bill became a law without opposition, and without its purpose and effect being understood by many members of Congress who voted for its adoption, nor was its vital point discovered by the President who approved it. Later it transpired that this bill had demonetized silver; had abolished the double-standard under which the Government had conducted its financial operations from the beginning, and erected the single gold standard in its stead. Mr. Sherman, however, did not direct particular attention to the change during the pendency of the bill, and if he referred to it must have treated it as a matter of small importance, so that a large number of Mr. Sherman's contemporaries, who voted for the measure, afterwards declared they did not know that it interfered with the bi-metallic system.

It was presumed that the motive of Mr. Sherman was to align the United States in its financial policy with the other leading powers of the world having become convinced during his tour of Europe of its wisdom—and thus aid our enterprising and public spirited men to obtain the co-operation of foreign capitalists in promoting and prosecuting our expensive internal improvements. Whatever effect the adoption of the measure had in the old world, it did not relax the purse strings of its moneyed people in favor of the Northern Pacific Railroad.

Owing to the unsettled conditions on the frontier caused by the hostility of the Indians as the ostensible reason, it was given out that no work on the line of the Northern Pacific, west of the Missouri River would be attempted during the year 1873, unless it should be favorable for surveying operations. The engineers who prosecuted the surveys under military protection during 1872 had not been successful in finding a satisfactory practicable route to the Yellowstone, and further preliminary surveying would be necessary. It was unofficially decided, however, to place a line of steamboats on the Missouri River to ply between Bismarck and Fort Benton, Montana, and also for a few hundred miles south to a number of forts and Indian agencies. In this way it was presumed the road could control the bulk of the Montana carrying trade and practically all of the Government business to the forts and agencies. It was not publicly known at this time that the railway company was financially embarrassed; but a few months later, in September, the great banking house of Jay Cooke & Company, of Philadelphia, closed, and the failure of the financial head of the Northern Pacific Railway was known to the world. Various causes, which the

reader can gather from the course of events in the then recent years, led to this momentous disaster; but probably the most direct injury came from the depreciation of American Railway securities in European markets brought on by the failure of the St. Paul & Pacific Road to meet the interest on its bonds. This would naturally reflect injuriously upon Northern Pacific interests, which at that time were regarded as more intimately connected with Minnesota than any other state. But whatever the causes, the great financier of the enterprise was "on his back," financially speaking, and practically retired from the field.

No further forward movement was made in road construction on the Northern Pacific for the following six years. Something like 110 miles of the road on the Pacific slope, from a point called Kalama, on the Columbia River to Tacoma on Puget Sound had been completed and was in operation, and the company continued the operation of its completed line and branches, from Duluth to Bismarck, which enjoyed a profitable and growing traffic during the interval that lapsed before re-construction commenced in 1879.

It was understood in the fall of 1873, that the work of construction would be suspended, west of the Missouri, for a year or two, just how long could not be determined. The line had been partially surveyed from the Missouri to the Pacific, and construction could be taken up at any time when the finances of the company were in a condition to warrant it. The lines already completed through Minnesota and Dakota, amounting to 453 miles, and 105 miles on the western end including the terminus, were all doing a paying business. The most reliable opinion concerning the resumption of construction work, fixed the date not later than 1875, and this was based on the action of Congress in granting the company an extension of two years in which to complete the road.

Chief Engineer Rosser, who had been directing the surveys for the extension west from Bismarck through the hostile Indian country, reported to the directors, in August, 1873, that he had found a new and final route from the Missouri to the Yellowstone, distant 205 miles, which was twenty-one miles shorter than the survey of 1871. "At this point the road will cross the Yellowstone and continue up the northwest bank to Pompey's Pillar, some distance above the mouth of the Big Horn, where it will join the survey made from the Pacific end in 1872, and this will complete the surveyed line across the Continent."

The names of the officers and directors of the company in 1873 were as follows:

President—George W. Cass, New York; resident vice president—Charles B. Wright; vice president on the Pacific coast—Richard D. Rice; secretary—Samuel Wilkeson; treasurer—Albert L. Pritchard; land commissioner—William A. Howard; executive committee—George W. Cass, Charles B. Wright, Richard D. Rice, William G. Moorhead, and Frederick Billings; trustees of bondholders—J. Edgar Thompson and Jay Cooke.

George W. Cass, New York; Chas. B. Wright, Philadelphia, Pennsylvania; Richard D. Rice, Augusta, Maine; Frederick Billings, Woodstock, Vermont; William G. Moorhead, Philadelphia, Pennsylvania; J. Gregory Smith, St. Albans, Vermont; William B. Ogden, New York; William Windom, Windom, Minnesota; A. H. Barney, New York; R. P. Cheney, Boston, Massachusetts; William G. Fargo, Buffalo, New York; James Stinson, Chicago, Illinois; Albert H. Catlin, Burlington, Vermont—directors.

The stock and franchises of the Lake Superior and Puget Sound Land Company were sold to the Northern Pacific Railroad Company in November, 1873, and thereafter the railroad company controlled and managed its own territory including Bismarck. The stockholders of the Puget Sound Land Company were paid the first cost of their stock, with interest at 6 per cent. to October 1, 1873, and a bonus of 50 per cent. Payments were made to North Pacific at 70 cents.

At a meeting of the Northern Pacific Railroad directors held in 1873, about the first of May, 1873, the name of the town which had been selected

as the terminus of the railroad on the Missouri, was changed from Edwinton to Bismarck, in honor of the great Prussian statesman who had recently won world-wide fame by his success in the Franco-Prussian war, and united the German states in one confederacy. There may also have been a financial reason coupled with the compliment.

Buffalo County had been organized and its county seat was at Gann Valley, but the large majority of the invaders near the North Pacific crossing, had not been informed. C. H. McCarthy, recommended for county commissioner, had been a member of the Dakota Legislature of 1866-67. He was elected one of the early sheriffs of Burleigh County, and was drowned in the Missouri River while engaged in some official duty. Buffalo County took in about one-half of the territory east of the Missouri, its eastern boundary being as far east as Devil's Lake in the north. An important territorial election (1872) was pending at this time (Moody and Brookings, both republicans, running for delegate to Congress, and M. K. Armstrong, for the same office, heading the democratic ticket), and Edwinton had been made a voting precinct and had a candidate for the legislative house in the person of Lawyer E. A. Williams. Another precinct had been established at Gann Valley in the southern part of the county. The result of the election was disputed, which threw a contest for the legislative seat before the house, in which Williams was successful.

This election was participated in quite generally through the northern portion of the territory in Buffalo and Pembina counties, at a number of points where no precincts had been established by the constituted authorities. The vote of such precincts was not recognized nor canvassed by the territorial board of canvassers. The vote at Edwinton, however, was polled at an authorized precinct and was duly canvassed, and was the vote which gave Mr. Williams his seat.

The situation in the vicinity of the point where the Northern Pacific was to cross the Missouri, during the year 1872, was one of uncertainty, and because thereof a number of towns or trading points were located and some improvements made in each. For reasons presumed to be for the best interests of the railroad company, the line had not been located in 1872 to the Missouri River. The final location terminated about ten miles east of the river, and Doctor Burleigh, who had the contract for grading fifty miles, was obliged to begin his work at that terminus. The Puget Sound Land Company, an organization that had charge of the townsites for the railroad company, located its headquarters two miles back from the river, and named their location Edwinton out of regard for Mr. Johnson, consulting engineer of the railroad company who was associated with a gentleman named Edwinton. The land company erected several large log buildings at Edwinton, and placed a tract of town property on the market, selling lots for \$150 for corners and \$100 for inside lots, with the privilege of a lot in the permanent town, when it was located, free. In Edwinton and surroundings, the earliest settlers were Shaw, Cathcart and Patten, of St. Paul, with a large stock of general merchandise, who opened and transacted their business in a large tent 100 feet in length by 25 feet wide. Marsh & Marsh, of Sioux City, were another firm near by, who kept an eating house and hotel, and Stocking & Co., of Montana, kept a saloon. Devay & Co., of Sioux City, had a shed near the boat landing on the Missouri, in which they kept a stock of groceries, and close by was a Montanian with the pioneer bakery, coining money. The P. S. L. Company had a large log structure near by on the landing, and two or three saloons had been temporarily domiciled there. This point on the river was supposed to be Carleton. Burleigh City, another point, was thought by quite a number, to occupy the prospective railroad terminus. It was about two miles south of Edwinton and contained about a dozen log buildings. Its site was in a conspicuous and eligible position on the bluff overlooking the bottom, and contained a hotel, store, barber shop, and saloon, all owned by John McCarthy and a syndicate from Grand River. Ed S. Comings, of Sioux City, was among the pioneers, and though he had a stock of goods on one of the steamboats, did not



MAIN STREET, BISMARCK, 1871.

The place was then called Bismarck.

decide where to locate. Messrs. Bly and Prescott, of Brainerd, Minnesota, had a sawmill near the mouth of Apple Creek, about seven miles below Edwinton. Edwinton was called the "railroad town" by many.

It was estimated that there were about two hundred persons in all these embryonic settlements, and all who were lawfully entitled to and desired to take a claim, had made a squatter's settlement, and as this sort of settlement was regarded as precarious, and only to be defended against "claim jumpers" by physical force, a large number of the better class of settlers entered into an organization called the "Apple Creek Settlers Association," as the claims taken were largely in the magnificent fertile valley of that name, and elected as officers, John J. Jackman, president; John H. Richards, secretary; and Fred W. Edgar, recorder, and for an executive committee, Judge Charles H. McCarthy, J. M. Gilman, and Charles Anderson. This association a little later, acting through Jackman, McCarthy and Edgar, petitioned the governor to organize the county, and Chas. H. McCarthy, J. H. Richards, and Ed Donahue, were recommended for appointment as county commissioners. These settlements were at that time in Buffalo County, one of the largest counties in the territory, extending from the northern line of Charles Mix County up the channel of the Missouri River to the western boundary of Dakota, thence up said boundary to the forty-ninth parallel of north latitude; thence east along said northern boundary to the ninth guide meridian; thence south to the northern boundary of Charles Mix; thence west to the point of beginning. Gann Valley had been made the county seat of Buffalo County in 1871, and the county duly organized by the governor. This appears to have been unknown to the members of the Apple Creek organization, until their petition was replied to by the governor. The association adopted a memorial for the survey of the public lands, which had not yet reached so far into the wilderness as Edwinton. The grass crop, in that region was luxuriant, and considerable land would have been broken and sod-crops planted, but there had been no seed shipped in; there was but one plow in all the settlements, and nothing in the nature of seed but potatoes. These were bought at Fort Rice at \$6 a bushel, and only a small number of half acre patches were planted.

The Indians did not trouble the whites on the east side of the river, but gave warning that none must venture to the western bank for the purpose of "squattin'."

At this time the government was engaged in building a military post on the west bank of the river a couple of miles below Edwinton. It was named Fort McKean, in memory of Col. H. Boyd McKean, of the Pennsylvania volunteers, who fell at Cold Harbor during the Civil war. Two companies of troops were stationed there.

General Sheridan, who had been on a tour up the Missouri during the summer and fall of 1872, was very much dissatisfied with the location of Fort McKean. The site for the fort had been selected on the peak of a barren bluff, where the winds, the general claimed, "perpetually blew with a hurricane's strength," so that men could hardly keep their feet without some strong support; beside being cold, almost constantly uncomfortable, and infested by myriads of bloodthirsty mosquitoes in season. Water could not be had unless hauled a mile and a half up hill. The commanding general concluded that the selection had been made without due consideration; safety or the ease of defense being the only feature that had been given weight, and decided that no further improvements should be made there. A less objectionable locality near by was resolved upon for the erection of the permanent fort. This led to the erection of Fort Abraham Lincoln in 1873, and Fort McKean was abandoned.

As early in the season of 1873 as the condition of the ground would permit, work was resumed on the unfinished portion of the railway line terminating on the Missouri River.

The track reached Bismarck on the 4th of June, 1873, and the road was opened for traffic the 15th of July following; Bismarck was 450 miles from Duluth, the eastern terminus of the railway.

An early description of Bismarck before the townsite was overgrown with improvements, gave its situation two miles from the Missouri River. In front of the town was a flat that was annually inundated by the rise in the river. The main street was on a terrace about four feet higher than the flat but high enough to be immune from submersion; this first terrace extended back about six hundred feet to a second terrace, rising fifteen feet above the first, and reaching back about a mile where it joined with the undulations of the rich rolling prairie characteristic of a large portion of Dakota. South about eight miles, where the high prairie terminates in a bluff, probably fifty feet high, facing the village, is the Valley of Apple Creek about eight feet above the level of the river.

Apple Creek is somewhat famous as the stream along which General Sibley chased the Indians on their retreat from east of the Missouri, in 1863. It is about seventy-five miles in length, its course nearly east and west, heading not far from James River. The valley was claimed to be one of the finest agricultural tracts in the territory, and was heavily timbered in the days of the early settlement of that portion of Dakota.

The County of Burleigh, located on the east bank of the Missouri River, north of the forty-sixth parallel of north latitude, was originally taken from the County of Buffalo by the Legislature of 1872-73, and given the following boundaries; act approved January 4th:

Beginning at the intersection of the range line dividing ranges 75 and 76 with the eleventh standard parallel; thence west on said standard parallel to its intersection with the Missouri River; thence down said river on the main channel to the intersection of the township line between townships 129 and 130; thence east on said township line to its intersection with the tenth guide meridian; thence north on said last named guide to its intersection with the ninth standard parallel; thence west to the line between ranges 75 and 76; thence north on said last mentioned range to the point of beginning; shall be, and the same is hereby, constituted and made the County of Burleigh.

It has its name from Hon. Walter A. Burleigh, the second delegate to Congress from the territory, who removed from Pennsylvania to Dakota, with his family in 1861.

Mr. Burleigh at that time held the office of United States agent of the Yankton tribe of Sioux Indians, located on a reservation in Charles Mix County, Dakota.

Burleigh County was organized July 9, 1873, Governor Burbank appointing James A. Emmons, John P. Dunn, and William Mercer. There was considerable rivalry in the county as to who should be appointed to these important positions, growing out of diverse real estate interests, and the parties finally compromised by an arrangement that gave to each interest a commissioner, and when this was done the governor was prevailed upon to start the machinery of county government in motion. Prior to this he had received petitions and also remonstrances, showing much factional or sectional strife among the voters of the county.

The commissioners so appointed met at Bismarck on the 9th of July following and completed the county organization by appointing Daniel Williams register of deeds and county clerk; J. S. Caville, probate judge and county treasurer; John E. Wesson, county attorney; William Woods, sheriff. Bismarck was made the temporary county seat.

At the annual election held in November following, the county elected its county officers, choosing for county commissioners, T. P. Davis, John P. Dunn, and W. H. Mercer; register of deeds, J. H. Richards; sheriff, John White; judge of probate, E. N. Corey; county treasurer, W. B. Watson.

The law defining the boundaries of Burleigh County provided that "the county should have jurisdiction for all purposes as far south as the forty-sixth parallel of north latitude, over the strip of country south of its defined limits."

The extension of the Northern Pacific Railway west of Bismarck was long delayed, due chiefly to lack of funds; but seriously hindered by the hostility of the Indians under Sitting Bull; and it may be fairly claimed that this latter obstruction would not of itself have been of sufficient importance to have delayed the construction of the line across Western Dakota and Eastern Montana; though in the event that the railway authorities had been prepared to proceed it is presumed the Government would have cleared the way of Indian opposition by a much more determined war policy than was pursued. The terminus of the road remained at Bismarck until 1881, nearly seven years, during which period the city enjoyed much prosperity from its river business, as nearly all the Indian agencies and military posts together with a large share of the Montana traffic was supplied by steamboats during the season of navigation, from Bismarck. And in the meantime immigration was active and the agricultural lands of Burleigh and adjoining counties received thousands of settlers.

An Old Settlers Association was organized at Bismarck January 15, 1874. The names of charter members whose settlement was prior to the coming of the railroad was 168. John J. Jackman was elected president of the society, and H. M. Davis corresponding secretary.

Burleigh County is embraced in, and in the vicinity of many sections and points of historical interest. Its Apple River, east of the Missouri, is seventy-five miles long, heading almost due east and near the James River. It was down this valley in 1863, that the Sioux Indians retreated, pursued by Sibley's forces, and made their way in canoes across the Missouri and out of harm's way. Heart River, on the west, opposite Bismarck, is 100 miles long. It heads near the Bad Lands and the Little Missouri, a fine stream, well timbered; and near its headwaters was fought the battle of Killdeer Mountain between General Sully's forces and the Sioux, in 1864. Burnt Creek, the scene of the slaughter in 1862 of a boat load of returning miners from Montana, numbering about twenty, is an east side tributary of the Missouri, ten miles above Bismarck. The stream is twenty miles long. Opposite Burnt Creek is Square Butte Creek, fifty miles in length. A few miles above the Square Buttes (old name), commence the celebrated Painted Woods. Here was found a large body of timber on both sides of the Missouri, including in its variety, oak, ash, elm, and cottonwood. The woods were famous for their herds of elk, deer, antelope, and were the winter home of thousands of buffalo. Wild fruits abound in the timber. At the north end of Painted Woods Valley, on the east side of the Missouri, is Medicine Lodge Lake, covering 7,000 acres, a beautiful sheet of water, fed by creeks. Oak and cottonwood lined its pebbled shores. It was a favorite resort for the Indians, and in the vicinity a battle ground where the Arickarees dared to meet the Sioux in battle. Twenty miles above this lake on the west side, are the ruins of old Fort Clark, named for Captain Clark, of Lewis and Clark, and built for a trading post about 1812, by a company of which Clark was a member. Mandan Lake is a few miles below the ruined fortress. Seven miles above Fort Clark, on the west side, comes in Great Knife River, a clear water stream, 125 miles long, heading near the Little Missouri. Fort Stevenson was on the east side of the Missouri above the mouth of the Knife, about ten miles, and twelve miles below Old Fort Berthold, the famous trading post of the Upper Missouri. Snake Creek, on the east side, is the only eastern tributary of the Missouri, for a long distance.

During the preceding year of 1872 there had been much uncertainty in the public mind of that settlement as to the precise locality on the Missouri River where the railroad company would fix its terminal point, and hundreds of people desirous of establishing some line of business or desirous of making an investment had reached the vicinity with the intention of locating. This uncertainty gave an opportunity for much speculation in townsite properties, and places named Carleton, Zheba, and Burleigh City, were laid out and eligible locations offered at speculative prices. Tents, and some small frame or log structures, were put up, and each of these points had its cluster of speculators and landowners.

and saloons were opened and considerable business transacted. The steamboats had brought up a large amount of building material and merchandise from Sioux City and Omaha, so that these places were abundantly supplied with articles for traffic.

General Rosser, chief engineer of the eastern division of the Northern Pacific, which embraced the country between Bismarck and the point on the Yellowstone where it was designed to strike that stream, had not been able to secure a practicable route through the country west of the Missouri, and presuming that the construction of the road would be continued west the following year, he felt compelled to find a route during the season of 1873, so that the work of construction might go forward. He was successful in doing this under the protection of the troops, and reported to the company that he had not only found a perfectly practicable route, but had shortened the distance made by previous surveys, twenty-one miles.

The Northern Pacific, however, was doomed to several years delay—a delay not due to Indian opposition at all, but to the misfortunes that had overtaken its financial agent who, being unable to negotiate his securities was obliged to relinquish the work, financially ruined, but with unstained integrity.

During the summer of 1878 a party of Northern Pacific Railroad officials including Dorrillus Morrison, John Ross, General Rosser, chief engineer, and others, accompanied by a military escort to protect the party against Indian raids, made an inspection trip along the line of the Northern Pacific west of Bismarck as far as the point where the survey of the railroad line struck the Yellowstone River returning without meeting with any Indian hostilities, and arriving at Bismarck about the middle of August. The authorities of the Northern Pacific were at the time contemplating resuming work on the line west of the Missouri, and this reconnoitering and inspection partly reported that they found the country superior to that between Bismarck and Fargo. The so-called Bad Lands they found covered with the most nutritious grasses, and the whole stretch of country, for a distance of 200 miles, well watered, with plenty of good coal and considerable timber. Over one hundred and fifty miles of the line lay in Dakota, coal prospects were, apparently inexhaustible. The plan under contemplation at this time by the Northern Pacific officials was one to utilize the land grant west of the Missouri reaching to the Yellowstone, aggregating about five million acres, for the purpose of raising funds to build that portion of the road.

Grading west of the river was started during the fall of 1878, and there was no further interruption of the work until the line was completed.

The annual meeting of the company was held in September when the following named directors were elected: Charles B. Wright, Pennsylvania; Frederick Billings, Vermont; George W. Cass, New York; Charlemagne Tower, Pennsylvania; J. C. Ainsworth, Oregon; George Stark, New Hampshire; Joseph Dilworth, Pennsylvania; Alexander Mitchell, Wisconsin; Johnston Livingstone, New York; J. Fraley Smith, Pennsylvania; John D. Dennison, Maryland; Benjamin P. Chaney, Massachusetts; Richard L. Ashhurst, Pennsylvania. Mr. Wright was re-elected president of the company.

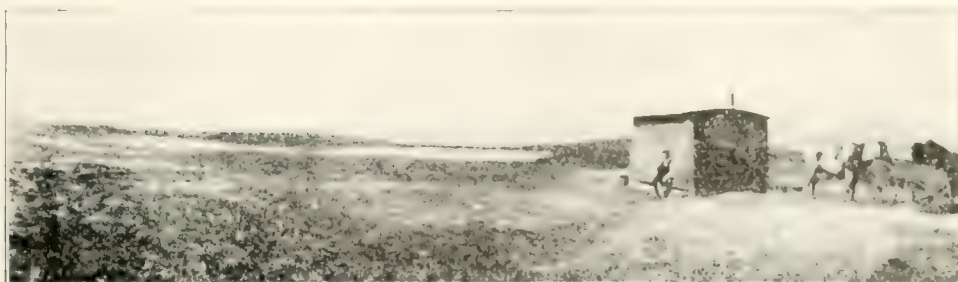
A contract had been let for grading 200 miles west of Bismarck.

In 1879, just prior to the resumption of work on the Northern Pacific west from Bismarck, the Dakota Legislature was prevailed upon to re-define the boundaries of Burleigh County in order to extend its jurisdiction to the west side of the Missouri, and on February 10th of that year an act was approved giving new boundaries to the county, as follows:

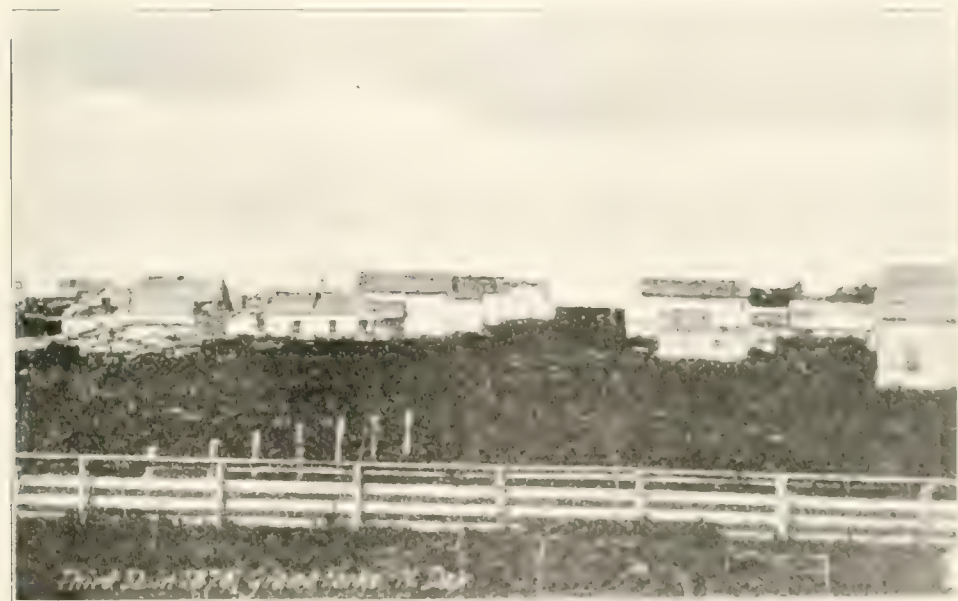
Beginning at the southeast corner of township 137, between ranges 73 and 74; thence north to the eleventh standard parallel; thence west along said parallel to the west bank of the Missouri River; thence south along the west bank of said river to a point where the range line between 83 and 84 produced would intersect said river; thence south to the southwest corner of township 137, range 83; thence east along the ninth standard parallel to the place of beginning.



FORT ABRAHAM LINCOLN, OPPOSITE BISMARCK, 1877.



HOLDING DOWN A CLAIM



GRAND FORKS, NORTHERN DAKOTA 1877

As there was no lawful organization on the west side at the time, the purpose of this act, probably, was to furnish the law-abiding element at Mandan and surroundings such protection as the laws of the territory afforded, which could be easily accomplished by extending the jurisdiction of Burleigh County.

Track laying across the ice on the Missouri River, at Bismarck, was completed and the first train crossed on the 18th of February, 1879. The track started below the steamboat landing at Bismarck, and ran northwest across the Missouri to the mouth of Heart River, a distance of nearly three miles, to the new Town of Mandan, the starting point of the Pacific extension.

Mandan was laid out on land claimed by F. F. Girard, an old pioneer and Indian trader who had secured the land from an Indian called Strong Bear or Posey, who settled on the land before the land surveys and, as he claimed, before the land grant was made to the railroad company. But when the land surveys were made it was found that the Girard claim was in an odd numbered section, and was taken possession of by the railroad company and the Town of Mandan was laid out. Girard's claim was too precarious to risk a law suit to defend it.

BRIDGING THE MISSOURI

The first effort for the construction of a railroad bridge over the Missouri River at Bismarck, on the Northern Pacific Railroad, was made in the spring of 1880, and surveys were made of the Missouri River and its approaches at that point. Gen. Adna Anderson, chief engineer, who was directing these surveys, intended to submit the proposition of bridging or tunneling the Missouri to the directors of the company, and the indications at that time, May, 1880, were favorable to the tunnel.

Mr. Frederick Billings, who had become president of the company—a man of great wealth and enterprise, informed the public later that his engineers had reported in favor of a high bridge, to be constructed near the river warehouse of the company. It was proposed first to narrow the channel of the river to 1,200 feet by constructing a dyke from the west side. The engineer had been instructed to build the dyke during the season of low water and during the fall of that year. The bridge was to be seventy feet above low water; to be built in five sections, three of 400 feet, and two of 100 feet. The dyke which was built that fall, was 1,700 feet long. The Eads scheme of mattresses were used in its construction. The foundation for the abutments of the bridge was a solid blue clay forty feet below the low water mark. The cost of the structure completed was estimated at over one million dollars, and it was claimed that it would rank among the great bridges of the world.

The practical work of building the bridge went forward from that time. It was built upon the truss system of bridge architecture, three main truss spans resting on four ample piers, two of these founded on bed rock in the main channel of the river, the other two located on the east and west shore, the mainland connections made by two inverted truss spans each 150 feet in length. The main spans are 400 feet long each, and the total length of the bridge is 1,500 feet. The bridge was completed and opened for traffic in October, 1882.

The length of the bridge from bank to bank was 2,000 feet or nearly half a mile. The material of the bridge structure is steel and iron. It was estimated that it would sustain a weight of 1,000 tons. Work was begun on the bridge proper in August, 1881, and it was completed in the early fall of 1882. The stone work was all completed in June, 1882. Four piers were sunk in the channel of the river by pressure, fifty-six feet below the low water level, where a bed of hard clay was reached. In the construction of these piers, 8,000 yards of granite and the best western Portland cement was used. The caisson employed in the work was 70 feet long and 25 feet wide. From the bottom of the stone work to the summit is 100 feet with a mass of ten feet solid. On the east shore of the river is an abutment from which the bridge swings to the first pier. On the west there is also another similar abutment. The spaces between the four

ments and the nearest pier are about two hundred feet in length, and between the center piers 400 feet. The piers were said to be the best and most substantial of any on the Missouri River. The work was done under the direction of George S. Morrison, engineer in chief, and H. W. Parkhurst, resident engineer.

Prior to the construction of the bridge, the cars were crossed in the season of open water on flat boats, and in the winter, when the ice became strong enough to support the immense weight, a railway track was laid over the ice, a distance of about three miles, and trains crossed with little delay. These methods were expensive, involved an enormous amount of labor which had to be repeated each year, and the traffic of the road had increased to such an extent that it was difficult to accommodate it by these methods of crossing the stream.

In November, 1880, the directors closed an arrangement with a syndicate of American and European bankers, under which the syndicate furnished forty million dollars for the completion of the road. The rails were laid to the Yellowstone, at Glendive, about December 1, 1880, and up that stream to Fort Keogh or Miles City at the mouth of Tongue River during the winter following which was favorable for outdoor work. There were then about eight hundred miles of road to be built; 600 miles in crossing the great Territory of Montana.

The workmen on the line, in 1880, west of Bismarck, were escorted by the Seventh U. S. Cavalry, ten companies, under command of Maj. Lewis Morrill.

The Northern Pacific reached the boundary line between Dakota and Montana, November 1, 1880, and the event was celebrated by a gathering of notables from both territories and the chief officers of the company. The division line was marked by the driving of two silver spikes—one marked Dakota and the other Montana. Appropriate addresses closed the exercises. Ex-President Grant was a guest of the railway people on this occasion.

The grand highway to its western terminus at Portland, Oregon, was completed and opened about the time that the Bismarck bridge became a part of the line, October, 1882, and the two events gave occasion for great rejoicing and the driving of the golden spike.

The mileage of the road was as follows: Duluth to Red River of North, 250 miles; Red River to Missouri River, 200 miles; Missouri to Yellowstone, 250 miles; Yellowstone to Helena, 400 miles; Helena to Lake Pend d'Oreille, 320 miles; Lake Pend d'Oreille to Crossing of Columbia River, 210 miles; along Columbia River to Koloma, 250 miles; Koloma to Puget Sound, 90 miles; total, 2,000 miles.

FARGO AND CASS COUNTY

Fargo, or Centralia, was founded early in the year 1872. Its supposed site had been occupied during the winter and early spring by a motley collection of tents, shanties, and an occasional frame structure. A party who visited the place in February, 1872, from Moorhead, described it as follows:

It consisted of an avenue, street, lane or alley, either name applicable, extending from the Red River westward through the timber, some 80 or 100 rods. The river was frozen over but the ferryman's tent stood on the river bank occupied by the ferryman, who was impatiently waiting for the ice to move, which it may not do before the 1st of May. A little further on was tent No. 2, bearing the sign, "Ells-worth House, by Mrs. Church." Opposite is a small wooden building, labelled "Pacific Hall." Passing tents on either side one comes upon another small frame edifice occupied by "Gordon J. Keeney Esq., Attorney at Law, Notary Public, and Land Agent." A little further, after passing a number of tents, one finds the blacksmith shop of "Ross & McCherny," and a little further on the left, hotels Nos. 1 and 2, i.e., the Fargo Hotel, and the Provincial House. Arriving at this latter hostelry, the head of "Fargo Avenue," is reached, after passing sixteen tents and a few small frame buildings. To the right of the Provincial are three tents where Mr. George Bricknell, superintendent and engineer, has his headquarters. Walking west from "Fargo Avenue," about one hundred rods, Centralia Town No. 1 is reached, which is locally known as "Headquarters." On the right is a tent occupied by the agent, J. H. Stone; on the left the "Mess House," adjoining which is the telegraph office, W. G. Collins, operator, and Mr. H. C. Davis, store-

keeper. Opposite the telegraph office is the tent of General Rosser, of Confederate war fame, who is division engineer of the Dakota Division of the Northern Pacific, and his private secretary, F. G. Winston. Adjoining Rosser's is the tent occupied by W. E. Welch, acting division engineer, and a corps of draughtsmen. Another nearby tent was occupied by M. H. Smith, his wife and children, and a son, the son-in-law of the division engineer in charge of Mr. Davis. There are here a number of tents and small buildings occupied by employees of the Northern Pacific, and a little further a hotel kept by Moon & Mann. And this terminated the visible Fargo of that day; but with the coming of the spring, the vestige of domicile described, will have disappeared; for if not removed, the waters of the Red, which submerge these bottoms with the spring break-up, will sweep them all away, and the occupants sojourning here. This place is now called Centralia, and Gordon J. Leach is its proprietor. It will be above high water mark, and well located for the business of the great express company, W. B. Eddy & Co.

Religious services were held with much regularity at Fargo, during the early months of 1872. Rev. Mr. Elmer, a Methodist clergyman, conducted services at the Fargo Hotel, and also organized a Bible class. Rev. Father Ginnes, a Catholic clergyman, held occasional services. The latter's work had been largely among the Chippewa Indians for a number of years.

CASS COUNTY ORGANIZED

When the Northern Pacific Railroad was graded across Northern Dakota which began late in the fall of 1871, possibly as late as December the line ran through Pembina County to the James River; thence through Buffalo County to the Missouri. This first grading which was prosecuted that winter was between the crossing of the Red River and the first Crossing of the Cheyenne, seven miles distant. There was no settlement on the Dakota side at the crossing of the Red when this grading was started. During the winter following, 1872-73, by an act approved January 15, 1873, the Legislature carved Cass County from Pembina County, with the following boundaries:

Beginning at the southeast corner of Grand Forks County on the Red River of the North, at the point where the eleventh standard parallel intersects the river, thence north on said river to the intersection with the eleventh standard parallel; thence south on said range line to its intersection with the ninth standard parallel; thence east on said ninth standard parallel to the western boundary line of Minnesota; and thence north on said Minnesota boundary line to the place of beginning, shall be, and the same is hereby constituted and made the County of Cass; the county seat of which shall be, and is hereby located at Fargo, on the west bank of the Red River, where the river is crossed by the Northern Pacific Railroad, and so soon as it shall have been liquidated the Indian title to the lands in said county shall have been liquidated, and the people of said county, not less than five in number, shall be authorized to petition the Governor for an organization of said county, whereupon the Governor shall be authorized to hereby made his duty to appoint from the lawful voters of said county, three commissioners, a register of deeds, a sheriff, a judge of probate, a county attorney, a county surveyor, a county clerk, and a county treasurer, and they shall hold their offices until their successors shall be elected and installed. The commissioners shall be authorized to divide the territory and to constitute the several townships, and to divide the same into precincts, and to give bond as provided by law in case of their election, and the said commissioners shall be authorized to select a site for the county seat, and to give bond as provided by law in case of their election, and the said commissioners shall be authorized to select a site for the county seat, and to give bond as provided by law in case of their election.

Cass County subsequently lost its northern tier of townships which were given to Traill and Steele counties. The county was organized in October, 1873, Governor Burbank appointing the first officers on the 6th of that month, namely: County commissioners, William H. Leverenz, Jacob Lowell, Jr., and S. W. Alderson; register of deeds, Terrence Martin; sheriff, J. H. Pashley; judge of probate, Henry S. Back; county attorney, Jacob Lowell, Jr.; county clerk, J. H. Pashley; superintendent of public instruction, Alex. McHench; coroner, M. H. Smith.

The president of the Northern Pacific Railroad at that time, George W. Cass, gave the name to the county.

The first actual settlements made in this county, were at Fargo, or Centralia, as it was first known, in 1872. This was prior to the establishment of Cass County, and while the country was under the jurisdiction of Pembina; and during the same year a large number of homestead and pre-emption claims were taken up in the county, chiefly along the line of the Northern Pacific and in the immediate vicinity of Red River.

CHAPTER LVII

THE COMING OF THE GERMAN-RUSSIANS

1873

LAKE KAMPESKA AND RAILROAD GRANT—THE GERMAN-RUSSIAN EMIGRATION—ONLY A FRACTION OF EMIGRANTS WERE MINNONTIES, BUT THE MINNONTIES WERE BEST KNOWN—ORIGIN OF THE SECT AND THE BROTHERHOOD—EXPLAINING THE EMIGRATION OF THE GERMANS TO RUSSIA IN 1770 AND LONG AFTER IN 1870 CZAR ABROGATES ORIGINAL AGREEMENT AND THOUSANDS OF GERMANS EMIGRATE TO AMERICA—ARE CALLED GERMAN-RUSSIANS—SEVERAL THOUSAND EMIGRATE AND SETTLE IN DAKOTA TERRITORY AND ELSEWHERE IN 1873 AND LATER—RECEIVE A CORDIAL WELCOME—BROUGHT LARGE AMOUNT OF GOLD COIN—WERE A VALUABLE FACTOR IN DEVELOPING DAKOTA'S AGRICULTURAL RESOURCES—EFFORT TO OBTAIN FROM CONGRESS SPECIAL LAND PRIVILEGE—NAMES OF A NUMBER OF THE PIONEER EMIGRANTS—AMERICA, THE ASYLUM OF THE OPPRESSED OF ALL NATIONS.

The winter of 1872-73 was unusually severe and caused many fatalities in the newer sections of the Northwest where immigration had been active during the previous summer and fall, and improvements meager. A letter from Fort Abercrombie, on the Red River, written by Ben F. Estes, a well known and reliable citizen of Charles Mix County, who had been required to go there on business, told a sorrowful story. The letter was dated January 28, 1873:

I was fifteen days on the road from Bon Homme to this point. The snow in Northern Iowa and Minnesota, I was told by men who had lived there for thirty years, was the worst they had ever known, and they had never seen a storm as severe as the one on the 7th of this month (January). They never knew so much suffering among the people, and live stock, as there was in that storm. I saw enough to satisfy me that there is a great many worse places to live in than Southern Dakota. There is not as much snow here as in Northern Iowa and Minnesota, but there is much more than is demanded in cultivation. When I was at Waterloo, Iowa, I commenced keeping an account of all the deaths by freezing that I could get from persons, who were personally acquainted with the circumstances, and when I got to this place I had 253, besides a great many that are missing. I saw a carpenter from a small town called Beaver Falls, and he said he had made coffins for twenty-five persons who had frozen to death. I have not seen anything of the country and I don't believe I will before the 1st of May. It is very cold here, from twenty to thirty degrees below zero all the time and a good heavy north wind with it. The winds are very irregular, caused by snow blowing into the cuts on the St. Paul & Pacific Railroad, and stopping trains for two weeks at a time. The mail men here to Fort Totten is carried by Indians on foot. They say the snow is so deep a horse cannot get the mail. They say here, for traveling on foot, what they call "Norway Snow Shoes," a board about five feet long, three to four inches wide, and in the shape of a shoe runner. A man that understands them can make good headway over deep snow.

Mr. Estes was a well-known frontiersman, and his statements are entitled to the utmost credit.

The only fatality resulting from the blizzard of January 7th occurred in the settled portion of Clay County, fifteen miles north of Vermillion. Mr. Hemstock and his wife with two young children resided there, and observing the approaching storm, Mrs. Hemstock left the house and went out into a cornfield to

the cattle into the stable but before she had time to do this the storm burst upon the place with much fury. Mr. Hemstock, who was working near, is supposed to have gone to his wife's assistance. He evidently found her, for both perished in the storm, their dead bodies being discovered not far apart after the storm ceased, both frozen to the ground. They were a young couple.

LAKE KAMPESKA AND THE LAND GRANT

Lake Kampeska, in Codington County, formerly Deuel County, is one of the famous lakes of Dakota. A railroad was built to this point by the Winona & St. Peter's Railroad Company, of Minnesota, which was completed to the lake in July, 1873. The company was a subordinate organization of the Chicago & Northwestern Railroad Company, and left the main line of that road at Marshall, Minnesota, forty-eight miles east of the western boundary line of Minnesota, and eighty miles distant from Lake Kampeska and nearly due east. There were very few, if any settlers along the line in Dakota or in the country adjacent for some time following the completion of the road.

Congress passed a land grant bill March 3, 1857, which gave a certain amount of land for a railroad from Winona, Minnesota via St. Peter to a point on the Big Sioux River south of the 45th parallel of north latitude. At this time Minnesota was a territory and all of Dakota east of the Missouri River was a part of that territory. This act required the completion of the road to the Big Sioux River within ten years, which time expired March 3, 1867; but by a subsequent act of Congress, approved July 13, 1866, the time was extended seven years from the passage of the act. The seven years would expire on the 13th of July, 1873, which explains the motive of the Northwestern Company, which owned the franchise for building the road through Deuel County to Lake Kampeska, completing it in that year.

This grant of land extended no farther than the Big Sioux River which the railroad crossed three miles south of the lake, and built their road up to Kampeska on the west side of the Big Sioux. The company claimed that its land grant covered this three miles, but the land department of the Government held that as the grant extended to the river, and not across it, it had no franchise or grant on the west side. The matter was in litigation several years. In the meantime the Government, pending the suit, had withdrawn all the disputed land from market. About this time, in the fall of 1873, a party of young men of an adventurous and enterprising disposition from Yankton, some of whom had been employed on the public surveys of land made a journey overland to Lake Kampeska, and took up land immediately surrounding a portion of the lake prior to its withdrawal from entry, and were enabled to hold it. The names of these parties were Calvin J. B. Harris, David B. Keeler, Joel B. Montgomery, D. C. Thomas, Ben Stafford or Stoddard, and James C. Blanding, and probably others.

At the time these parties settled in proximity to the lake it was the presumed if not the announced design of the company to locate one of its principal towns there, but subsequently, about 1873 the company reconsidered the matter of town location, and fixed upon a section of their own, three miles east of the lake as the terminus of the line, upon which the new metropolis of Codington County was located and named Watertown.

The lake and adjacent streams were found populated with a variety of the finest food fishes in surprising abundance. It had been a favorite resort for the Sioux Indians for scores of years, and a fruitful field thereabouts for valuable fur bearing animals; but the Indians had, previous to this time, destroyed the beaver, which had been abundant, and had stripped the country of its other varieties of game; but these would have recuperated in a few seasons had not the settlement of the country by the whites prevented.

It was claimed by these early settlers that the inlet and outlet of the lake was at the same point; where it furnished the Big Sioux River with its head

waters, and in time of low water in the lake received the waters from the head of the Sioux, which at times were much higher than those in the lake.

For serene beauty, Lake Kampeska compares favorably with any of the small lakes of the Northwest. It is 6 miles long by 2 miles in width. The water is clear and cold. The shore, generally low, but in places bold, had but little timber. At one or two promontories the waves break against the low walls of rock; everywhere else they roll in upon a clean shingle of six rods width. There is no sand. The pebbles near the water's edge are quite uniformly the size of white beans. Further back they are larger, but nowhere larger than walnuts. The absence of sand is a peculiarity of this drift, as also is the presence of numerous specimens of petrified wood, which were discovered by Keeler and Montgomery, who remained in their cabins at the waterside for a number of years, and until Watertown was established. Then low ground at the head of the lake was thickly overgrown with a small shrub bearing a palatable fruit called sand cherry. The Big Sioux River, here a sluggish stream, twenty-five feet wide, is at once the inlet and outlet of the lake. A bend of the river came within a hundred yards of the lake, and floods wrought a channel about one hundred feet in width between the two. Or it might be considered possible, since the lake is deeper than the river that the latter formed the lake, breaking through the slight barrier and filling the low ground. The lake is now the reservoir of the stream. The lake was in Deuel County at this time.

GERMAN-RUSSIAN IMMIGRATION

Among the most important historical incidents connected with Dakota under its territorial organization was the immigration of thousands of people from the Empire of Russia, known as German-Russians. Though classed under this general title they were essentially Germans though emigrating from the soil of Russia where as a rule they were born, reared and educated; and cultivated thousands of farms for generations, and participated in the general industries of their colonies as merchants and manufacturers. But all this occurred in a section of Russia which during the many years of its occupation by these people was to them, and their language, and their schools, their religious institutions and their domestic and social life, another Germany. They left Russia as thoroughly German in every particular as were their ancestors when they occupied, under an agreement with the Russian sovereign, a fraction of Russian territory. And while, for some reason, this sketch will be unable to explain, the American people among whom their lot in this country was first cast, classed them as Mennonites: they were not members of that peculiar religious sect except as a small minority who then and afterward settled in small communities called brotherhoods and were segregated not only from their own countrymen but from their neighbors of all nationalities.

The appended historical account of these most excellent people will inform the reader regarding the origin of the colonies which emigrated to Russia and the reasons or causes which actuated them in removing from their fatherland. Also the causes which led them to abandon Russia for America. This account, substantially, is accredited to Mr. Lathrop Motley, historian of the Netherlands.

The founder of the religious sect now called Mennonites was John Hutter, an Austrian. It has a religious history reaching back not less than five hundred and fifty years to some time about A. D. 1338. It was based upon a community of goods, and suffered much from the persecutions of the parent church and was finally driven to the banks of Tyrol, Austria. His followers in time grew in numbers and spread through Switzerland and Germany, notwithstanding they were subjected to many severe persecutions and persecution including ostracism, but they remained faithful to their principles and their founder's martyred leader, and in memory of him we have the Hutterites. In the year 1730 the German-Russian Colonists who emigrated to America. They were the first to settle in America about the year 1775, and emigrated to America under the auspices of the Russian government, a devout adherent of the Greek Church, who gave them freedom of religious belief and

exemption from military duty, and a home on the fertile wastes bordering the Black Sea in the vicinity of the Germans, who had gone into the same country a century earlier under a like promise of immunity from the military duties of Russian citizenship assured by Czar Nicholas. About that year Menno Simons, of the Northern Netherlands (Holland), concerning whom and the colonies or religious sect which are called in his name, appears to have begun his important ministry a century later than Hutter, and it is not improbable that he had become acquainted with Hutter's cult, which would account for the blending of the name of Hutter and Menno, as is frequently done in this country when referring to a Hutterische Brotherhood as a colony of Mennonites. The tenets and religious creed of Hutter and Menno Simons seem to be closely related, and may be substantially the same. But the marked distinction between them was that the Hutterische followers all practised associating together in community settlement numbering a score or two of families, holding their land and products of their labor in common, while the followers of Menno Simons are found in individual families, adhering to the Baptist faith, with the additional articles engrafted thereon by the founder of the sect, and are not communists.

Menno Simons was a Baptist minister, a native of Friesland. He became prominent about the year 1683.

Friesland is now one of the provinces contained in the present Kingdom of the Netherlands. It was then one of the provinces constituting the Republic of the United Netherlands. That republic was formed by a union of the northern Netherlands, commonly called Holland, of which Friesland was one. All the Netherlands, southern as well as northern, were at one time separate independent principalities, unconnected with each other. Through inheritance and by conquest did all the crowns of these various principalities (duchies and earldoms) become united on one and the same head; and in the year 1568, that head also wore the crown of Spain. Spain at that time was the strongest power in Europe. With extensive possessions in both the Indies, and great wealth pouring in from these outlying dominions, it was claimed that the sun never set within its limits.

The Netherlands are situate between France, Germany and the North Sea. The northern Netherlands were chiefly commercial; the southern Netherlands, manufacturing or industrial, and so it is now. The geographical area covered by the Netherlands is small; but the population was even then dense, very industrious, frugal, thrifty and wealthy. Two elements constitute it, the Saxon in the northern, and the Frandok, a species of Celtic, in the southern Netherlands, which elements are blended together, or found in juxtaposition, in the south of the north and in the north of the south.

The reformation took hold of the Netherlands, especially in the north. They became the principal battleground between the papacy and modern society. The sovereign, usually called the King of Spain, after his most important crown, was a zealous champion of Rome. From hatred of the reformation he undertook to destroy the political rights, privileges and liberties of his subjects in the Netherlands, and to force them back under the papal yoke. They refused to submit, whereupon, with the aid of his Spanish forces, he commenced a crusade of extermination, scarcely paralleled in history by any former or subsequent war as to blood-thirstiness, cruelty and devastation. The southern Netherlands were forced back into obedience. The northern Netherlands formed a confederacy; maintained the war during eighty years, and, after having been more than once on the verge of destruction, came out victorious with their independence acknowledged.

The war commenced in 1569. It closed in 1649, with the peace of Westphalen concluded. That war left the small young republic not only one of the first powers of Europe, but first among the first, and Spain financially ruined and demoralized; reduced from a leading and commanding position unto that of a second rate power, soon to rank lower yet.

During that eighty years' war there was an armistice of twelve years, from 1612 to 1624. At the commencement of this armistice the scales had already turned in favor of the United Netherlands. Unfortunately it was a period of continual strife. The reformation assumed a sectarian character, strongly Calvinistic. Domestic politics became mixed up with religion. There remained more liberty of conscience and worship than was enjoyed elsewhere; but a state or dominant church was established, and dissenters or nonconformists were subjected to political disabilities, and not only disfranchised, but also—in the humbler walks of life—struck with a social ban, though their life and property was not put in jeopardy.

This is now all past. Since the close of the eighteenth century there is no longer any established church in the Netherlands; and the formerly established church is now far more Arminian than Calvinistic. In northern Germany also these last years political disabilities have been removed.

Baptists were of the number of the dissenters or nonconformists. Menno Simons grafted upon the Baptist creed the tenets of the nonjuror and nonresistant. He made many converts in the Netherlands, especially in Friesland, though Baptists were never very numerous there at any time; and he also labored successfully in Germany.

The Mennonites in the Netherlands, surrounded by Calvinistic Presbyterian influences, strongly opposed to anything approaching the prelacy, never had an episcopate or higher order of clergy. But those in Germany, surrounded by Lutherans, adopted a system of supervision, approaching to what our Methodists have under the name of presiding elders. As the Lutherans in Germany were even less tolerant than the Calvinists in the Nether-

lands, the Mennonites were, in the first named country, even less conformable than in the latter.

About the close of the seventeenth century and the commencement of the eighteenth, the Emperor Paul of Russia was struck by the backwardness of agriculture among his Muscovite subjects between the Black Sea and the Caspian Sea. He became anxious that German farmers should settle in that region, hoping that the better cultivation of the soil expected from them should be followed as a stimulating example. He therefore offered liberal inducements in the shape of grants of lands from the crown and exemption from military service to such as might be willing to come and settle. Among the German farmers inclined to accept the emperor's invitation were quite a proportion of Mennonites. Naturally, so. In addition to the usual motive for emigration, the desire to improve one's material prospects, they had the wish to secure a home in a country which might prove nearer their fatherland to them than that where they were born. For the special benefit of the Mennonites another privilege, that of exemption from the necessity of swearing any oath, was granted. They came in considerable numbers. They settled in large bodies, scattered all the way between the Black Sea and the Caspian Sea, which bodies were called *colonies*, a name they still wear. To each of these colonies a large tract of public land was granted. The grant was to the colony as a corporation. The members were tenants in common, and the property was administered and portioned out by trustees or stewards elected by them. The first colonies settled as early as 1783, when a number of thousands of Prussian Mennonites emigrated from Prussia because Frederick the Great would not give them religious privileges, and they were further liable to be drafted into the military service. The first emigrants settled on the east bank of the River Dneiper.

Queen Catherine II gave a warm and sincere welcome to the sturdy Christian people, partly because of her antipathy to the Prussian king; but more to secure the great benefit to be derived from their industry in farming in the unsettled regions of her kingdom; also to gain the moral effect and influence of their orderly lives upon her own native subjects. A good character of lands were set apart for these settlers, and they were not taxed for ten years; they were also given the fullest religious liberty, and were declared exempt from military service. Upon such inviting terms a large number followed their example. The Mennonites, who numbered many thousands in Prussia, emigrated, as also did other religious denominations, including many Saxon Lutherans. From 1803 to 1807 the colonies received important accessions, and a great portion of these later removals settled on the east bank of the River Moloscha, north of the Black Sea. The Russian government kept all their agreements, and the Germans, because of their own diligence, temperance and intelligence, were rewarded with substantial prosperity.

We see, therefore, that the situation among the Germans, with reference to their own government, was one brought about by a century or more of intolerance in which religion was the principal disturber, therefore the claim that the German-Russian emigrants to America, over a century later than the emigration from Germany and other German provinces to Russia, was easily presumed to be a Mennonite emigration to a large extent, and had it occurred a century earlier it might have been proportionately much greater of that element. But three generations had passed. These had been born and reared in Russo-Germany, completely removed from all religious intolerant influence, undisturbed by any government authority to control their religious beliefs, and it was quite in accordance with world precedents the hand of tyranny having been withdrawn, these new generations should study the subject of religion with a conscience unbiased by government restraint, being a very intelligent people, found themselves more in accord with other religious denominations than those holding the austere tenets of either Hutter or Menno Simons.

These colonies fulfilled all that was expected of them. They set the desired example, and it has been followed. Thanks to them, what up to the time of their advent was a desert now blossoms like the rose. Some of the colonies have become commercial and industrial centers. Hence the German population is no longer exclusively agricultural.

As the German and Muscovite races differ widely in characteristics and are almost uncongenial to each other, they have failed to blend. The Germans transferred to Russia or bred there, are as German as if they or their progenitors had never left Germany. Some can speak Russian, but all speak German, and consider the last named language as their vernacular tongue. Likewise in the matter of creed, the Greek Church being that of the Muscovites and very unlike theirs, they have steadfastly adhered to their distinctive tenets, through the cen-

igencies of their position, scattered as they are in various groups, has caused their church organizations to become somewhat modified by a further development of the element of ecclesiastical supervision.

About the fortieth year after these colonies had become established, a change was observed in the attitude of the Russian government. The land had by this time become occupied, and the native Russians in the vicinity of the German settlements endeavored to introduce Russian customs among the colonists. This caused uneasiness and dissatisfaction. The prosperous Germans seemed to be "a thorn in the flesh" of the native Russians. The government quietly aided its own subjects in their work of interference, and endeavored to impose restrictions regarding their exemption from military duty, and to further abridge their freedom in matters of religion. The most obnoxious requirement came to the Mennonites, who are non-combatants, similar to the American Quakers, when an edict was proclaimed making the German-Russians, in common with the native inhabitants, subject to military draft. In thus abrogating the original compact under which the Germans had settled in Russia, the Czar graciously stipulated that the new edict would not be immediately enforced; that the Germans would be given ample time to decide whether to accept the new order of things, and become citizens of Russia in fact, or remove from the country. The religious element among the Germans, as well as many who did not act solely from that motive, took early advantage of the privilege, and resolved to sell their farms, live stock, etc., and emigrate.

The German-Russian population at that time, 1871, was estimated to number two hundred thousand.

So soon as the question of emigration presented itself to the Russo-Germans, a farther question naturally arose, which was, whither to go? Whosoever throughout almost the civilized world thinks of emigration, also thinks of our United States; and thither the thoughts of the Russo-German turned themselves. Thither, since over half a century, co-religionists of theirs from the Netherlands, Germany, and other countries had gone, as well as other people. There other German-Russians, including Mennonites had either scattered themselves or aggregated in particular localities, for example at Lancaster, Pennsylvania; Elkhart, Indiana; Decatur, Illinois; and Lima, Ohio.

Organizations were perfected among them for the purpose of obtaining reliable information concerning the United States, and the sections presenting the most substantial inducements to large colonies of an agricultural people. The information they obtained was of a satisfactory character, though no pledge could be given to exempt them from military duty, but it was represented to them that in case the United States should be engaged in war, which was extremely unlikely, they would be permitted to employ substitutes in case they should be drafted. The next practical step taken was the raising of a fund of \$20,000 which was appropriated to defray the expenses of a committee of twelve which was sent to America to look the field over and recommend the most eligible regions for settlements. This committee reached this country early in the summer of 1871. There was a Mennonite organization on a small scale then in Pennsylvania to which the committee was accredited, and through this organization and the advice of other friends the committee made a journey through Minnesota, Michigan, Dakota, Iowa, Kansas, Missouri and Texas, and returned after three months absence to Russia, where they reported the results of their journey of investigation, which being highly favorable, stimulated the desire to emigrate, but the Russian government though apparently desirous of permitting their departure, at the same time imposed conditions upon the sale of their land that were difficult to satisfy. For instance, a large number had received their landed estates from their parents who had been granted it from the throne and who were not allowed to sell or exchange it except to members of their own sect. There were also many discouragements placed in the way of those desiring to emigrate by the petty officers of the government and passports or permits to emigrate were

so difficult to procure that many were dissuaded from leaving by these obstacles alone. During all this time while preparations were making for a movement on a large scale, small parties of these people who could do so without much sacrifice were leaving for the United States.

In 1871 several colonies without concert of action between them, sent deputations. These deputations chanced to meet each other in New York. They were combined under the leadership of Rev. Mr. Sudermann, of Bendjarsko, the head of one of the deputations. Together they visited various portions of the West; and some of the party also went to Manitoba. After a tour of inspection, which lasted all summer and part of the fall, they returned to Russia, in order to report to their constituents.

There was a good deal of wealth among the German-Russians in general. They are, as a rule, people of deep religious feeling, strict morals, and very frugal and industrious. Thus they cannot well fail to acquire material prosperity. As a religious motive, in addition to the usual considerations partly impelled those who contemplated leaving Russia, or did impel those who had already left, persons of means were more numerous among them than is customary among emigrants. It would, however, be absurd to suppose that every Russo-German who landed on our shores was well off.

Two facts have to be borne in mind. First—excellent people as they generally are, they are human, and human nature varies but little with time and space, race and creed. Power is everywhere liable to be abused; and even in those German-Russian colonies in Russia, there is such a thing as oppression of the poor by the rich, though it is not general. Several of the poorer class emigrated in order to get out from between the upper and the nether grindstone. Sometimes the wealthier ones paid the passage of the poorer. Mostly, this was done from benevolent motives, but occasionally also in order to get hold of their share in the common land. Second—in Russia like elsewhere, it took time to dispose of one's property; and, when it was known of someone that he wanted to leave, a ring was liable to be formed for buying his property at a discount. Hence it takes the wealthy longer than poor ones to get ready.

There was a period in the growth of Dakota in early days when difficulty was found in inducing newcomers into the James River Valley on the west side and it required more than ordinary efforts to secure rural settlers for that region during the first ten years of Dakota's settlement. In the early '60s emigrants journeying through Iowa were informed that the country west of the James River was unfit for farming operations; and the anxiety of the Iowans at that time to secure settlers for the vacant domain in that state will explain the source and the reason of these statements. The misrepresentations then made in behalf of the wide uninhabitable plains of the Hawkeyes were later repeated by those who sought to profit by halting the immigrant in their own community, and it finally became necessary for those interested in the development of the country west of the James River to put forth extra efforts in order to people the fertile acres of that valley, or rather to secure the beginning of settlement along the valley of that famous stream.

Every section of the West from Texas to Minnesota was making effort to secure settlers in 1872-73-74 and for that matter ever. In the market for emigrants many years before that time, and are yet striving to people their vacant places; so that Dakota Territory was obliged to meet competition of a strenuous sort in its efforts to people its plains. Finally the enterprising old settlers west of the James found a valuable friend and confederate in the Gov. of all the Russias who had practically driven from his shores a hundred or two thousand German-Russian farmers, and the advance agents of these people were at the time of which we write (1873), journeying through the western portion of the United States looking for the most advantageous localities for planting colonies of their people who were coming away from their native land in order to find homes in America.

These people had from the peculiar position they held come to be known as German-Russians; but they had rigidly retained their German language, and as a rule had abstained from marriage with the native inhabitants. It was largely due to this social and educational isolation from their Russian neighbors and Russian association, and the disaffection this created among the native subjects, that induced the Czar to abrogate the original agreement under which their forefathers accepted an asylum on Russian soil. None wished to return to Germany, but many thousand accepted the situation and declared allegiance to the Czar.

As a rule these German farmers were an exceptionally intelligent class of people, and conducted their farming operations under better methods than the average agriculturists of America. The reason for this is found in their lifelong training to the cultivation of the ground, having been taught by their predecessors, and by their own careful experience, to know a fruitful soil, and a good land, and a salubrious climate,

These people had all been made acquainted with the fact that they were overwhelmingly welcome to the shores of America on their way from the seaboard to their prairie homes; and in fact they had some difficulty in making their way through the United States because of the rivalry then existing between various sections of the West (all sparsely settled at that time), to secure settlers for their vacant lands. At Chicago this rivalry exhibited itself more intensely than at any other intermediate point, and sometimes led to personal encounters, owing to the large number of emigrants who passed through that city. Immigration agents from several western states were stationed to turn the immigrant toward the section they represented; and in the instance of these German-Russian colonies, composed as they were of a large number of people of the most desirable character, this rivalry would manifest itself in efforts to break the colony into small parties, even before the strangers had an opportunity to secure a stopping place during their brief sojourn in the city, which usually lasted for a couple of days. An instance is recorded of the experience of Dakota's representative, Hon. Jacob Brauch, who was conveying a party of German-Russians from New York to Dakota. Mr. Brauch was a most genial gentleman, good natured, and all that, but naturally combative if unreasonably provoked; and it was believed among his intimate friends that he enjoyed knocking a troublesome individual down to any other form of exercise. In Chicago he was assailed on every side by immigration agents from our neighboring states and territories, and he had a most strenuous time in keeping his large party together, beset as they were by the immigration agents of other sections and the hotel men who were also sub-agents. On one occasion Brauch and one of his German-Russian aids were finally arrested for acting as immigration agents in Chicago without a license, a charge that was unfounded as the colony were ticketed through to Dakota from New York. But Dakota's representatives were haled before a judge, required to furnish bail for their appearance the following day, when their case was heard and Mr. Brauch's assistant was fined \$3 for "acting as immigrant runner without a license." The judge evidently believed that he must make an example, to show that the court had the interests of Chicago at heart; though had the case been carried further it must have resulted in an acquittal, for neither Mr. Brauch or his assistants had done more than to protect the members of the colony from the determined horde that swarmed around them as they left the cars for their temporary stopping place. The colony reached Dakota with their numbers intact, satisfied that the people among whom their future homes would be made were as pleased with their coming as they could have been had they been to the manor born.

The public press learned of the movement and its magnitude, and the result was a strong immigrant organization in all of the great public land states and territories of the United States for the purpose of securing these people. During the following three years it is estimated that over one hundred thousand

arrived in New York, and finally settled in the different western sections where they found the most desirable locations. The Union Pacific Railroad Company secured some large colonies for its lands in Nebraska. Dakota received in the neighborhood of a thousand families during the ensuing four or five years, and in small parties they continued to come in for several years, the latest arrivals going into the northern part of the territory, and some large settlements exist west of the Missouri in the rich coal regions.

While detracting nothing from the debt due to the earliest pioneers of Dakota for their efforts in demonstrating the fruitfulness of the soil, it is but fair to assign to the German-Russians a large portion of the credit for bringing Dakota as an agricultural region of exceptional value into a favorable position before the world. It may be stated that these earliest American pioneers, while convinced that the lands bordering the Missouri were fertile and productive, they did not hesitate to question the like quality in the lands in the interior, and many of the early land surveyors shared this opinion. The German-Russians plunged right into this unfavored and questioned region, built their sod shanties, broke up the sod, and in two and three years were raising wheat and oats and even corn and vegetables that fully equalled in quality and quantity per acre the average of the well-tested Missouri bottom lands.

The fact that so many of these people, already among the best farmers in the world, and always on the alert to improve even upon their own methods, and having no ambition to seek another industry for the employment of their time and talent, selected, after thorough investigation, for their permanent homes and for their farming operations the domain of Dakota, was one of the best evidences of the excellence of this country as a general agricultural region—a fact that was not readily accepted by the American people in the older states, whose hesitancy in taking up these Dakota lands brought about the efforts on the part of the Dakota pioneers to secure a people from the old world who were to prove by the best evidence, the priceless value of Dakota as a food-producing region. That has been so well accomplished that at the close of the territorial era, the territory had reached a place near the head of the list of agricultural states in the per capita of agricultural wealth produced. And it should not be overlooked as a significant fact that the choice of Dakota was made by these people at a time when they were strongly beset by the opportunities afforded by the public land states of Minnesota, Nebraska and Kansas, all somewhat celebrated as promising fields for the agriculturist.

An interesting incident in connection with the German-Russian immigration was the effort made by a deputation made up of representative men to obtain a concession in their favor by which large tracts of the public lands in the northern part of Dakota could be withdrawn from market for a stipulated period and held for the occupation of colonies made up of their immigrants. Their memorial to Congress is here given; and the action of that body, particularly the Senate, is proof of the high favor in which the German-Russians were held by that branch of the United States Government:

MEMNONITE MEMORIAL

Memorial sent to Congress by a committee of Mennonites at the pending of that body in December, 1873:

To the Honorable the Senate and the House of Representatives of the United States in Congress assembled.

We, the undersigned, belonging to the Christian denomination called the Mennonites of South Russia and Prussia, in our own name and that of our brethren, respectfully address the following to you:

For three generations our denomination has lived in South Russia under their control, free to enjoy, as a separate colony, our own religion, language, lands and customs, the Russian government only interfering to punish crimes and collect its taxes, until by a recent edict of the Russian government, passed the 4th of June, 1871, we were deprived of all those rights, liberties and privileges, which had been granted to us from an

choice is presented to us of leaving Russia within ten years from the above mentioned date, or after that become Russianized in language and religion. In Prussia, where we lived for more than two hundred years in the liberty of conscience, the government acted the same. We have therefore determined to emigrate to some country where we can enjoy civil, social and religious liberty. By examining your constitution and country, we find the full assurance that, under your constitution and laws, we shall find the liberty we so earnestly desire, and the sentiments expressed by President Grant, in his message of March 3, 1873, give us great encouragement.

Desirous of settling in your country as colonists, there is, however, one obstacle in the way. The unimproved lands, which we would be likely to select for our future homes, being owned, in alternate sections, by railroads and the Government; if we should purchase from the railroad companies some of the sections belonging to the Government would be taken up by persons who do not belong to our colonies, and who are not in sympathy with us. Besides this, our mode of farming is for fifteen or twenty families to join together on a large tract of land, and to have portions of it set aside for common pasture, where all the horses and cattle may graze together, kept by one herder. This saves much expense in fencing.

It will require time, no doubt the eight years yet open for emigration, before all property in Russia can be disposed of, business finally settled, and the last of our brethren brought to their new home. In behalf, therefore, of our brethren, numbering between forty and fifty thousand, we would respectfully ask:

1. That if we select portions of railroad lands in different places, suitable to our different wants as cattle raisers, agriculturists, etc., that we be allowed to take up and secure the sections of lands, Government lands lying adjacent thereto, either by purchase or under the homestead laws, and to reserve the same until the year 1881.

2. If we find unoccupied bodies of land belonging to the Government suited to our purpose, that we be allowed the same privilege of taking up and securing a sufficient quantity of land protected from the interference of outside parties.

The Canadian government has offered to present us as much land as we would occupy, within the before mentioned time, but a part of us would prefer to settle in the United States if the opportunity is given us to locate in colonies. Our only object being to care for those in distress, should there be anything in our petition looking like speculation, we beg you will prevent it.

"Justice exalts a nation," says the Word of God, and if you will use your great influence to promote this mission, and assist the emigration of those who are persecuted for conscience sake, you will have the deepest thanks of the sorrow-stricken Mennonites of Russia and Prussia, and what is much more, the blessings of Him who says, that even a drink of cold water shall not be without its reward.

We are,

With high estimation,

Some of the Emigrants from Russia and Prussia, called Mennonites.

P. S. Our mission being transitory, if any reference should be required, we beg to address our brethren, Rev. Amos Herr, Lancaster, Pennsylvania, and John M. Funk, Elkhart, Indiana, who are in sympathy with us and conversant with our movements.

These Mennonites numbered about eighty thousand souls, said a most reliable account given out at the time, and they were represented to the United States as well as to the Canadian government, as a highly industrious, educated and prosperous people who had annually exported from Russia large quantities of wheat. Their original settlement in Russia was said to be on a treeless steppe, but their skill and industry soon transformed it into a country of fine homes, fruitful orchards, and grain fields, and herds of valuable domestic animals. At first it was probably the opinion of the leaders among them that because of their exceptional moral standing, intelligence, wealth and numbers, there would be some valuable privileges accorded them in America, either by the United States or Canada, or both, owing to the fact that in order to secure freedom for the exercise of their religious faith, they had resolved to abandon Russia, carrying with them every dollar of their property if possible. It was claimed that it was the most notable emigration of such a multitude of people during the modern era, and it was pointed out that in the case of communities numbering so many thousands, faith and religious liberty were as potent as in the sixteenth century, when the Mayflower brought its liberty seeking people to Plymouth and planted the tree of religious liberty in the American colonies.

This memorial was respectfully considered by the United States Senate, where it was referred to the Committee on Public Lands. This committee invited a delegation of Mennonites to attend its sittings, and listened with much interest to these delegates who claimed to represent no less than forty thousand of their people. The Northern Pacific Railway was at this time under construction and had reached Bismarck on the Missouri River, and it so happened that these Mennonite representatives had formed a very favorable opinion of the Dakota country traversed by the Northern Pacific. The Committee on Public Lands therefore authorized Senator Windom, of Minnesota, himself an ardent friend of Dakota and the Northern Pacific, to prepare and report to the Senate a bill authorizing the secretary of the interior to withdraw from public sale such large tracts of land as the German Russians desired to occupy during the coming two years, the lands to be taken by them under either the preemption or homestead laws.

It does not appear that the bill was ever reported owing to the decided and clamorous opposition of rival interests. The representatives of the public land states and territories outside of and surrounding Dakota insisted that the offering of such inducements in Dakota would virtually deprive their sections— all clamorous for immigration—of all opportunity to contest for these desirable settlers. The sentiment of the opposition held that the object of such a grant of land in aid of immigration to a particular locality could not be justified by the policy of granting lands to continental railroads, the latter being, as a rule, for the general benefit of the people as a whole. The Union Pacific corporation, which had never been friendly to its northern competitor, felt that such a valuable special favor to its rival was not treating their pioneer enterprise fairly and justly; and the project, so far as the Government taking any part to promote it, was abandoned. The emigrants, however, continued to pour into the country by thousands, and found homes not alone in Dakota, south and north, but in Minnesota, Nebraska and Kansas.

Had the bill, ordered to be reported by the public lands committee, granting to the German colonists the special privilege asked for, for two years, been enacted, it may be safely affirmed that the northern part of Dakota Territory would have been set off into a new territory and probably named Pembina. Windom's measure would have been the means of adding at least ten thousand population to that part of the territory, and this would have satisfied the objection of the House of Representatives as to population, which at the time was the only serious obstacle urged against a division of the territory. Had this occurred and division been accomplished it would have resulted in a State of Dakota and a State of Pembina, the latter a perpetual memorial of the coming to America of a people induced hither neither by avarice or material gain, but purely that they might enjoy the liberty of conscience to worship God according to its dictates.

THE FIRST TO COME

The emigration to America in large volume began in 1873, induced at least in part by a German from Ohio, who had left the German-Russian colony in Russia many years before, and settled near Sandusky, Ohio. His name was Betty or Bedy. He returned to Russia about the time of the Czar's edict cancelling the agreement with the German-Russians, in 1870. He chanced to be an old-time acquaintance and friend of Mr. Jacob Max, who was one of the leading men of the German-Russian people. The Ohio gentleman visited with Mr. Max during his sojourn, and gave him a very flattering account of America and particularly of Ohio.

The van-guard of German colonists from Russia to reach Dakota came in the spring of 1873 when Philip Jassmann, George L. Jassmann, John Engel, Jacob Kusler, Henry Sieler, Dominick Stoller, Fred Mitchellmans, Jacob Anlin, Christian Jassmann, George L. Jassmann, George W. Jassmann, Jacob Munchellmans, John Engel, Michael Serr, Henry Sieler, Gottfried Mehrer, Sr., Karl Bender, Michael Diede, Peter Weber, Gottfried Mehrer, Andrew Frank, Michael Gall, Alexander Herman, Eberhard Max, John Maag, Jacob Huber, Jacob Schnaidt, Peter Seydel, Jacob Redman, Andrew Schempp, Sr., Henry Schorzman, Henry Schatz, Henry Schenck, Matthias Ullmer, Henry Weidenbach, John Weidenbach, Karl Ziegel, Jacob Kusler, Dominick Stoller, David Umlah, Jacob Miller, Martin Schamber, Peter Schamber, J. C. Wenzlaff and family, including two sons, Solomon and Gustave, Henry Baisch and family, Peter Keck and family, Emanuel Jose and family, two members of the Maag family, four members of the Eberhard family, Michael Stoller, George Mundt, Johann Kuhn, Fred Moos, Peter Moos, Gottlieb Saye, John Kury, Philip Hesse, Michael Bietz, George Gall, Johannes Bender, Nick Serr, Christ Serr, Jacob Ullmer, H. Schaffer, Philip Bender, Jacob Kost, Peter Orth, Anton Orth, Henry Orth, Michael

Taiede, Wilhelm Bledssing, Wilhelm Ziegel, Matthew Saylor, Frederick Hertz, Ludwig Saylor, with others arrived direct from the old country, and settled in Yankton, Hutchinson and Turner counties. A second party, under the leadership of Mr. Jacob Max, arrived later the same season and went direct to Omaha, where the party established headquarters, and sent out committees to spy out the land. One committee was sent to Dakota, another into Southern Nebraska, and in due time returned to Omaha, and reported. The committee that came to Dakota were accompanied on their return to Omaha by Philip Jassmann, a member of the first colony who had reached Yankton in the spring, and by Hon. Jacob Brauch, a prominent German citizen. The report of the Dakota committee proved more satisfactory than the others; and Mr. Max's colony decided to act upon it, and forthwith removed to Yankton, arriving on the 1st of August, 1873. The colony numbered twenty-seven families, and among them were Jacob Max and his wife, and three sons, Martin, John and Emanuel, and two daughters, Paulina and Amelia; Eberhard Max and wife and son; Jacob Schnaidt and wife and two children; Paul Landmann.

The number of individual adult immigrants belonging to the German-Russian parties who came in during 1873 was about five hundred, and it was claimed they brought with them not less than two million dollars in gold, the proceeds of the property they had disposed of before leaving the realm of the Czar. It was given out in a public way at the time that the moneyed wealth of many of the heads of families ranged from \$10,000 to \$100,000. The men were for the most part farmers, experienced, well educated, exceptionally orderly in their conduct. There was a greater proportion of children in the various families than was the case with the American families who came West. For instance, one family numbered 12; another 10; another 9; two families had 8 children each; one 7; and three 6. Twenty families would make a large colony when they settled together, and their disposition was to settle as neighbors and build up communities of their own people. They were not all members of the religious sect called Mennonites—in fact a majority belonged to other religious denominations much the same as other nationalities, and it is probable that few comparatively were not allied with any denomination.

About one and a half miles southeast of the old Village of Bon Homme, and fronting along the bank of the Missouri River, was the local home of one of the earliest Hutterische Brotherhoods to locate in the territory. They were German-Russians, and the early settlers of the vicinity were accustomed to speak of them as German Quakers, claiming that the creed which united them in one brotherhood resembled that of the Quakers of our country. They were non-combatants, dressed quite plainly, avoiding showy garments that were made up without consulting the modern fashion plates. The members of the association owned all property in common, and each adult labored for the general welfare. They had a village, a number of large tenement houses so arranged that each family had its separate apartments, but they took their meals in a common dining hall. This colony numbered thirty-five families, and its wealth, counted in dollars, was estimated at three hundred thousand dollars. They have in operation a good flour mill, a sawmill, tannery, besides extensive orchards, and a large number of horses, mules, cows and domestic fowls. They are a contented and industrious people, devoted to their religion and to the education of their children. Peace and harmony abide in the community.

It is apparent from a more thorough acquaintance with the history and long career of these most excellent people, that while religious persecutions alone had little to do with the original settlement of the great body of Germans who emigrated to Russia during the reign of Catherine, or about the close of the eighteenth century, religion had nevertheless performed a very important part in impelling that emigration, while the immunities granted by the Russian sovereign as well as the large privileges associated with their citizenship had been due, in great part, to the favorable moral and industrial reputation won for the German

agriculturists by the sect called Mennonites which at that period were, practically, all farmers, and it was due to the superiority of the Germans as farmers (not as traders or manufacturers), that induced the Russian sovereign to grant them extraordinary immunities and privileges.

Therefore it would seem just that history should give a large moiety of the credit won for the Germans as successful agriculturists to these people called Mennonites, who were, at that day, all tillers of the soil, and whose excellent reputation was shared by the German farmers generally, and who were particularly desired by the Czar, as is evident by the generous terms he made them, which covered all their demands, religious as well as secular, which may have embraced more, but not less, than the German emigrants of other religious bodies demanded, and including those not connected with any sectarian organization.

But it should be understood that the Mennonites are not necessarily communists. It was no part of their creed or practice except to the minor portion who adopted the Huttrische Brotherhood plan.

A gentleman, thoroughly competent to treat of this subject in all its phases, possessing in addition a liberal education, a birthright in German-Russia, who came as a youth, with his parents, from Russia to Dakota, in 1873, has, by special request, furnished for this history a sketch, which he has prefaced with the brief statement that he is "only too glad to be able to state the facts regarding the German colonists in Russia, who finally came to the United States, as I see them."

The writer of the sketch is a member of one of the prominent families who led the emigration from Russia, and settled in the southern part of the Territory of Dakota, and who have been known personally to the historian of this work, for more than forty years. The contribution referred to is given in words following:

As far as the religion is concerned, all the German colonists in South Russia were preponderating Lutheran, secondly Reformed, and thirdly Mennonite. As to the relation — Lutherans, Reformed and Mennonites, there is absolutely none, except that each is a branch of the great Protestant belief. As far as there being any relation I wish to call your attention to the fact that the Lutheran and Reformed Germans located in Russia regarded with quiet disdain the Mennonites because the latter had been in disfavor with the governments of the German states owing to their refusal to defend their country. Many of the German colonists in Russia continued to send their sons to Germany for military service, thus showing clearly that they were not averse to carrying out arms.

What induced the Germans from Germany to emigrate to Russia was the great opportunities offered them in a new country. The German colonists in South Russia had to do pioneering. The land had never been tilled, but was rich and fertile. The natives, such as the Cossacks,

Catherine the Great, empress of Russia, as well as her husband Peter, was German herself, born in Germany, scarcely capable of making herself understood in Russian language. Catherine wished to develop that country, and knew that the Germans could do this, thus the emigration began and soon the land's State despotisms (about one hundred and sixty cities) were given to the colonists in family lots. A loan of nearly one thousand dollars of the State's money was distributed to each family. They were promised that the government would not interfere with their language, religion, nor social institutions. They would not need to defend the country, nor giving their sons to the army. They could manage their land and government. They could establish their own courts and settle their own disputes, except in matters of capital crime.

You will readily see that this would appeal to our German colonists, especially when you consider the great sects of the families had been in Germany, Prussia, Poland, Hanover or five years for military service in their native country. Now they had promised them was an exemption from all military service, from taxation. Now the emigration which Catherine wanted, appealed to Lutherans, Calvinists, Reformed, Germans, Swiss, and even English. Hence there was a great influx of German colonists into the Black Sea. Great caravans from Germany moved into Russia, and the country which they finally occupied was as wild and unsettled as the country which we now occupy in the United States. The first winter that the first settlers spent in Russia was spent in misery and thousands succumbed to hardships and disease. Then they built better houses and finally they were in a thriving condition. New colonies of German colonists, and the emigration never stopped. Among this great mass of emigrants were many Mennonites.

You, therefore, see that according to this version, which I believe can easily be substantiated by records, you have altogether made too much of the Mennonite. In fact, if I were to write a history of the German colonists from Russia, I should no more mention the Mennonites than the Reformed, or the Lutheran. I should class them all as Germans from Russia.

As to the designation "Mennonite" and "Huttrische," I would say that the Mennonites are believers of Menno, who believed in immersion, nonresistance, freedom from a clerical body and the simple life. The followers of Hutter became the Huttrische Brothers, who were essentially Mennonites in the cardinal doctrines, but they believed in a communistic life in addition. The Communists are few in number, as compared with the Mennonites.

As to the Germans in Russia who came to America, the vast majority were Protestants, a few Catholics, and some Mennonites and Huttrische Brothers. Some were born in Russia, very few in Germany; some although born in Russia still maintained their citizenship in some German state, but a great majority allowed their citizenship in Germany to lapse, thus making it necessary in the United States to renounce allegiance to the Czar of Russia. So you see they were Germans without anything in common with the Russians, neither in language, religion, or any social practices. They regarded themselves as aliens and strangers in Russia, in spite of the fact that the country which they had developed was a sort of a new Germany.

Why did the Germans leave Russia? Because of the policy of the Russian government to endeavor to Russianize them, this by terminating their charter, which was written in letters of gold, and which was to be in force "forever;" and second, because of the policy demanding that the Russian language should be taught in their schools, and that their sons should have to serve in the army together with the Russian himself. A German could not well put up with the privations that a Russian soldier had to put up with. Why should they care to serve a government that they knew to be essentially corrupt, and not German?

Attention was called to the United States of America in the sixties through the great struggle between the North and South for the liberation of the slaves. Some few of the Germans had emigrated to the United States many years before the Civil war. Some of the relatives of the German colonists in Russia had emigrated to America at the time that they themselves had emigrated to Russia. More and more the German colonists had begun to learn of the opportunities of the great free republic of North America. And finally, just as they pioneered in that land that was the land of the Scythian, so they finally decided to come to the land of greater opportunity. The climate of Nebraska and Dakota they found was not much unlike that of the country of the Black Sea, and thus the emigration from South Russia.

The thing that the Germans in Russia dreaded above all was to become Russianized. The German's language, religion and institutions were sacred to him. He regarded the Russian as half barbarian. His dread of military service in Russia was not from principle, but because he did not wish to bunk in with the unattractive Russian and then probably fight for a country that was not his own. The only persons that shunned military service because of principle were the small number of Mennonites, including the members of the Huttrische brotherhoods.

I am very much interested in this chapter of your history, and I am interested to have it written as you are trying to do it—*right*. I have been interested in this subject for a good many years. I have urged Hon. Henry Stoller, of Lesterville, to furnish me a paper on the immigration to the Dakotas written by one of their ministers. He promised to procure it for me, but doubtless he has forgotten the matter. For a vivid picture of the German colonists in Russia, I would refer you to the little work, published in Switzerland, written by the ministers I spoke of in the first part of my letter. It is called "Immanuel! Eine Huette Gottes bei den Menschen," Pilgermissions Buchdruckerei auf St. Chrischona, Basel, Switzerland.

UNITED STATES, THE ASYLUM OF THE OPPRESSED

No better exemplification has been afforded of the pardonable boast of our people that the United States of America is the asylum and the home of the oppressed of all nations, than the coming to this country of these thousands of German-Russians, beginning in the year 1873, and increasing rapidly during the following decade. The cause of their voluntary exile from their old country home was the avowed intention of the Russian government to deprive them of their freedom to worship God, and impose upon them military burdens that were abhorrent to their consciences; not only in conflict with their life-long principles, but in violation of a solemn agreement voluntarily undertaken by the Emperor of Russia in order to induce their ancestors to make their homes in his unoccupied and unproductive country, and by their labor and skill make it fruitful, and desirable for civilized mankind to inhabit and develop. These people had

faithfully fulfilled their part of the compact, and had become so prosperous, and had so transformed the barren wastes allotted to them into productive farms, dotted with happy villages and business marts as to excite the envy and cupidity of the original population, and of the Czar himself. The reigning monarch, however, at the time, was not the one who made the original agreement but possibly a degenerate son of a noble sire. But the German-Russians, rather than bow in acquiescence to the tyranny of the ruler, disposed of their worldly effects as well as they could, hampered by unjust restrictions, and following the path of empire, in the wake of the Mayflower, sought that country whose government had its foundation in religious freedom and civil liberty. It was claimed that about one hundred thousand of these people sought the shores of America during the decade beginning in 1871, and of this number many thousands found homes on the virgin prairies of Dakota Territory, apparently beginning an era of immigration to the territory then sparsely occupied along its eastern and southern borders, which has never relaxed, but has steadily augmented. From 14,188 white population in 1870, the territory grew to 135,177 in 1880; (and to 415,610 in 1886, the last year of its territorial career; and the territory as a whole, outside of the large tracts reserved for the abode of our Indian population, has become fairly well settled and improved).

It was apparent before the lapse of many years that Dakota had been greatly favored in securing these foreign born people to occupy a portion of its public land and become a part of the citizenship of the territory. Their intelligence, industry and thrift were a distinguishing mark wherever they had made their homes, and in addition to these qualities were the exemplification and practice of all important civic virtues in matters of local government, in education, in obedience to and enforcement of the law. Educational and religious institutions flourished with their support, prudent economy marked their supervision of public affairs, and their commendable example of wholesome conduct and the honorable discharge of private as well as public duties, contributed a large share of the general prosperity which has marked the progress of Dakota during many years of its territorial career.

CHAPTER LVIII

THE McCOOK-WINTERMUTE TRAGEDY

1873

1873 WAS A NOTABLE YEAR FOR DAKOTA—THE ADVENT OF RAILROADS—EARLY IMMIGRATION AGENTS—ELECTING TERRITORIAL OFFICERS—SECRETARY EDWIN S. MCCOOK SHOT AND KILLED BY PETER P. WINTERMUTE—SKETCH OF WINTERMUTE—INDICTMENT OF WINTERMUTE FOR MANSLAUGHTER—THE GOVERNOR REASSIGNS THE JUDGES—THE FIRST INDICTMENT AND PROCEEDINGS QUASHED AND NEW INDICTMENT FOUND CHARGING MURDER—THE TRIAL AND THE TESTIMONY—WINTERMUTE CONVICTED OF MANSLAUGHTER—SENTENCED—RETRIAL ORDERED BY SUPREME COURT—THE DEFENDANT TRIED AT VERMILLION AND ACQUITTED—FULL PROCEEDINGS IN THE CASE—DEATH OF WINTERMUTE.

The year A. D. 1873 was a memorable year in the progress of Dakota. The events which emphasized its advancement were the completion of the Dakota Southern Railway along the Missouri Valley from Sioux City to Yankton, bringing within reach of a dependable market an area of fertile lands many miles in extent that had hitherto been avoided by the producing classes as too remote from market. The year also witnessed the completion of the Northern Pacific to Bismarck and the Missouri River. These highways furnished a market for the surplus agricultural products which had been a burden to the agricultural classes in the southern portion of the territory, and opened to settlement the millions of fertile acres in the central and southern portions of the territory which were being rapidly occupied before the close of the year.

Three important towns had been founded along the line of the Northern Pacific—Fargo, Jamestown and Bismarck—and preparations had been initiated for opening up a number of wheat farms in the railroad territory the following year—the beginning of a wonderful career of progress and development in the northern portion of Dakota. Another line of railroad was in course of construction from Sioux City to Sioux Falls, called the Sioux City and Pembina, which was built to a point named Portlandville, on the Iowa side of the Big Sioux River, distant twenty miles from Sioux City. The Kampeska branch of the Northwestern Railroad was completed to Lake Kampeska, then in Deuel County, but trains were not operated on the line until five years later. There was, however, considerable settlement in the county, adjacent to the line, during the year and following.

The financial condition of the Territory of Dakota as represented by the territorial treasury had greatly improved during the two years preceding 1873; and in the latter year the treasurer of the territory was able to pay off all outstanding warrants; and there was a sum due from two or three of the counties that would be paid in before another spring, leaving a balance to the credit of the territory. The territorial officials who were in charge of the territorial finances at the time were George W. Kellogg, of Union County, auditor; and Thomas J. Sloan, of Clay County, treasurer. As the reader may have overlooked the important lesson conveyed in the result of the last election, it is well to state

that these officials were both democrats. The territorial superintendent of public instruction was Hon. John W. Turner, who had fought the battles of democracy under Jackson in the Empire State.

IMMIGRATION AGENTS

Dakota's early immigration agents were diligent in their duties, and met with fair success, though working on a weak financial footing. Mr. James S. Foster, the pioneer educator, turned his attention almost wholly to immigration in 1870, and worked in Illinois, Wisconsin and Missouri, holding public meetings, distributing advertising literature, and visiting farmers at home. During his career in that capacity he was compelled to meet a number of rivals from Western Iowa, Minnesota and Nebraska, all of whom were in much better position financially than Dakota's representative, who received a meager salary and small appropriations for work, and would probably have been unable to make any sort of campaign outside the territory had not public spirit moved a number of individuals to contribute for that purpose.

Hon. Jacob Brauch was quite successful in securing a number of the German-Russian colonies. Being a German, and a very intelligent, forceful and tactful man, he was able to compete in a measure with the strong rivalry of Nebraska and the Union Pacific Railroad, whose agents were very active in securing foreign emigration, and who did not scruple to misrepresent the Dakota country with stories of hostile Indians, drouths, grasshopper raids, mosquitoes, not neglecting to mention blizzards and alkaline water as among the principal inducements Dakota had to offer. Notwithstanding these discouragements, Commissioner Brauch was able to bring in and locate a large number of families who came from the Czar's German dominions, and on one occasion, learning of the deceit practiced upon a party of one hundred or more intending to settle in Dakota who had been lured into our neighboring state, he buckled on his armor and single-handed invaded the district where the misdirected colony had located, and succeeded in bringing every man, woman and child to Dakota where they settled and have since prospered.

Dakota, for nearly a score of its earlier years, was seriously handicapped in its work for immigration by the prejudices which had been instilled in the public mind through these rival agencies, in circulating reports that the drawbacks enumerated were permanent, natural, climatic, and could never be outgrown, basing their stories upon the exaggerated events of the Indian war of 1862-65, which, though originating outside the territory, had its field of conflict within our borders, and but for Dakota's defense, Nebraska would doubtless have been overrun with savages. The extreme drouth of 1863 when low water in the Missouri from spring until the close of navigation retarded the steamboats and prevented the carrying out, as designed, of Sully's campaign, called public attention to the event and left a prejudice toward Dakota. The grasshopper raids were a serious scourge, but half a dozen or more territories and states shared in similar afflictions. And as for the blizzards, while they were the most dangerous of storms, Dakota could truthfully claim a greater immunity from their perils and ravages than a number of northern states, including those fronting on the Atlantic coast.

Nevertheless Dakota gained encouragingly in population in 1873, and fortunately the season was favorable to the farmers. Immigration was very equally distributed—the population of the Sioux Valley increasing about 300 per cent, and the Vermillion Valley and the intervening country to the James, about the same. The Red River Valley and along the line of the Northern Pacific secured a larger proportion. It was the initial year of the German-Russian immigration, nearly all of which settled along the valley of the James River in Yankton, Hutchinson, Bon Homme and Turner counties.

ELECTING TERRITORIAL OFFICERS

In order to gratify a general demand among the people of Dakota who were dissatisfied with the method pursued by the general government in providing the executive officers of the territory from non-residents, Delegate Armstrong introduced in the House of Representatives the following bill in February, 1873:

A bill to enable the people of the territories to elect their governors and all other territorial officers in the manner provided for the election of a delegate to Congress.

Be it enacted, by the Senate and House of Representatives of the United States of America in Congress assembled, that at the next general election for delegate to Congress, in each of the territories of the United States, there shall be chosen by the qualified electors thereof, the following named territorial officers, in addition to that of delegate to Congress, namely: One governor, one secretary, three judges, one prosecuting attorney, one marshal, one surveyor general, one auditor, one treasurer, one superintendent of public instruction and one commissioner of immigration.

Sec. 2. That the Legislatures of each of the several territories shall, at the next session after the passage of this act, provide a law for carrying the provisions of this act into effect. And after the officers herein enumerated shall have been elected and qualified, they shall continue to report to, and be held accountable, by the proper departments of the Government, in all disbursements of public moneys, as is now provided by law. Provided, that the salaries of all officers mentioned in this act, shall be limited as heretofore by Congress, and paid out of the United States treasury.

The author of this measure could not have been at all sanguine of its favorable reception by Congress; but he knew enough of the sentiment of the people of the territory to know that it would not injure his political standing at home, and this is probably what he had in mind, and all he expected to accomplish. The bill was referred to the Committee on Territories, and nothing more was heard from it.

HOMICIDE OF SECRETARY M'COOK

The killing of Edwin Stanton McCook, secretary of the Territory of Dakota, by Peter P. Wintermute, a banker, September 11, 1873, at Yankton, was a tragic event that awakened widespread interest from the prominence of the parties, and aroused a feeling of great indignation against the perpetrator of the crime.

It was alleged at the time the deed was committed that the trouble between the men grew out of the long-time rivalries between Broadway and Capital street, two separate business districts in Yankton. It was also alleged that animosities arising out of the legal proceedings connected with the building of the Dakota Southern Railroad furnished an incentive for the atrocity, and while these sectional rivalries and personal animosities doubtless existed, it would seem more probable that the estrangement arose from McCook's loyalty to Governor Burbank, between whom and Wintermute and his political friends there existed a strong and open antagonism. There existed only a formal acquaintance between McCook and Wintermute.

As the tragedy became connected subsequently with the railroad proceedings, through intrigues to shift the judges from one district to another, the history of the lamentable and scandalous affair is here given following the railroad chapters.

Governor Burbank was appointed in 1869 when General Grant became President, and was supported by his brother-in-law, Senator Morton, of Indiana, then one of the strongest personal influences with the President. It is not claimed that the selection of Burbank was a judicious one, and but for the prominence and influence of the Indiana senator, in all probability would not have been made. Burbank's most notable work during his term had been the building up of the town of Springfield in Bon Homme County, in which he had acquired a large interest after coming to the territory. He procured the estab-

lishment of a United States land office at his town and made it a prominent mail route center, all of which tended to the detriment of the old town of Bon Homme, county seat of the county which was owned by Yankton parties of influence. Burbank had also been instrumental in changing the terminus of the Dakota Southern Railroad from Yankton to the west line of Bon Homme County in the curative act of Congress validating the railroad bond election in 1871, and had been given a place in the directory of that company; and had taken the Elk Point Township bonds voted to aid the Dakota Southern, amounting to \$15,000. For these causes and an apparent personal dislike, Wintermute as one of the leaders of the faction determined to prevent his reappointment, which was due to be made in 1873; and for the purpose of making it appear that the Dakota communities were strongly opposed to him, Wintermute and a half dozen or a dozen others held what they termed an indignation meeting in an out-of-the-way room, one evening, shortly before Burbank's term expired in the spring of 1873, at which Wintermute took the leading part.

Secretary McCook was a political friend of Burbank's. Their official relationship was calculated to make them friendly, and McCook would naturally feel like assisting his friend in this matter of a reappointment. McCook learned of the indignation meeting through some source, and with a few friends, attended it, notwithstanding the lack of an invitation. Wintermute was in charge, and it was evident from the dim light and novel arrangement of the room, and the paucity of attendance, that it was not designed for a public meeting for more than a select few. McCook may have made a motion to thwart the purpose of the quiet gathering. In that, or some way, he and Wintermute exchanged some unpleasant and unfriendly words of a character sufficient to cause an estrangement and doubtless led to the termination of any social intercourse between them, at least for the time being.

Burbank was reappointed, and the events of the following summer were of a character that made matters no better. The county commissioners and the railroad company were engaged in a controversy growing out of the effort of the company to mortgage the road. The county authorities, the county being a stockholder, procured an order from the court, temporarily restraining the company from issuing the mortgage bonds. The commissioners alleged that such mortgage would seriously impair the value of the stock held by the county, and that the company had failed to make the improvements at Yankton that had been promised. A portion of the community sided with the commissioners, and another portion took the ground that the county had agreed to donate the \$200,000 in bonds for the railroad; that the road had been built and was in operation, and that to demand anything more was a violation of the original agreement, and Governor Burbank, though not a tax-payer, was more conspicuously a defender of the claims of the railroad company than others because of his efforts to induce the judge of the District Court to dissolve the temporary injunction against the issue of the mortgage bonds.

This much is offered as an explanation of the social relationship that existed between McCook and Wintermute. It afforded a basis for the quarrel that preceded the shooting; and as there appeared such a divergence of opinion among the people as to the nature of the crime committed, the entire testimony given at the trials is produced in this chapter, without prejudicial comment.

Edwin Stanton McCook was appointed secretary of Dakota Territory by President Grant, January 8, 1872. He had attained a national fame, and was a historic character, prior to coming to Dakota.

He was a member of the famous Ohio family of "Fighting McCooks" whose record during the Civil war gave them a distinguished and honorable place in the annals of that great conflict. The secretary, while a boy, had enlisted in the Union army as a private soldier, and was afterwards commissioned captain of the Thirty-first Illinois Volunteers. He retired from the service with the rank of brevet brigadier general, and settled at Canton, Ill., where he became

residing when he received his Dakota appointment. He was fairly well off in this world's goods. He reached Yankton, the capital of the territory, March 8, 1872, with his wife and a son, his only child, a lad of ten years, accompanied by the parents of Mrs. McCook, Mr. and Mrs. Oscar Whitney.

Concerning Peter P. Wintermute, prior to his removal to Dakota. He was born in the State of New York. He removed with his family to Yankton in 1871. After the tragedy which gave him notoriety, a sketch of a portion of his career appeared in a western newspaper.

The Milwaukee News gave the following:

Mr. Wintermute, who is, unfortunately, a party to this calamity, is well known to many gentlemen of this city and other parts of the state. He is a civil engineer by profession, and was in the employ of Selah Chamberlain and of the old LaCrosse & Milwaukee Railway while that road was in process of construction. He figured extensively at Madison in the railroad legislation of 1869, and formed the Wintermute-Stinson combination to which the state granted its title to the St. Croix land grant. Wintermute & Stinson (who were brothers-in-law) afterwards sold their charter and franchise to Jay Cooke, by whom the same were forfeited, and the act conferring the same on the Wintermute-Stinson Company was afterwards repealed. Wintermute was also a large property holder at Superior City, Wisconsin, and resided for some years at St. Paul. Mr. Wintermute removed to Yankton in 1871, and established a bank there. He was, so far as his many acquaintances in this vicinity understood his character, a most amiable and genial gentleman, shrewd in business operations, accomplished and refined in his habits, and the farthest possible from an assassin in his disposition and manners.

The St. Paul Pioneer-Press furnished the following:

Mr. Wintermute was for years a resident of St. Paul, and has many friends in this city who will be deeply pained by the intelligence of the rash and criminal act which, if the law is not unjustly diverted from its course, has probably ended his career. Mr. Wintermute is a brother-in-law of James Stinson, a wealthy citizen of Chicago, who has large real estate interests in this city. He has figured somewhat more ambitiously than successfully in various railroad and real estate speculations at Superior in connection with the St. Croix & Bayfield Railroad. It was he and others who obtained possession of the charter of that road, with a conditional grant from the Wisconsin Legislature, which he sold out to Jay Cooke. He has lived for two or three years past at Yankton, where he has kept a small bank, has aspired to become a political leader, and was alleged to have aspirations for an election as delegate to Congress.

That Wintermute had premeditated the killing of McCook prior to the row in the saloon is not probable. It is more probable that he had entertained, since the indignation meeting, a personal dislike of McCook, who was not disposed to show him more than ordinary courtesies and did not court his companionship. The disturbance in the saloon stung him and he, "influenced by wine," conceived hastily the part he enacted, designing, probably, to frighten McCook into hiding, thus showing indications of cowardice, and expected to vindicate his own bravery at the same time. When he first fired toward McCook he was not more than twenty feet from him; he failed to hit him, whether designedly or not, and the ball passing through the open doorway in which McCook was standing, lodged in the wall outside. His first shot may have been designed to scare McCook into seeking safety in the hallway, which Wintermute expecting, he was not prepared for the serious affray he brought upon himself; and when seized by McCook, apprehensive of his own safety, fired at random several times, and fired a fatal shot. This story was advanced by men who knew Wintermute quite intimately, and a story was current following the tragedy that he had admitted as much to his intimate friends. It was also indirectly referred to by his counsel at the trial, who argued that it was McCook's duty, after discovering that he was a target for Wintermute, to have sought safety by removing to a safer place.

Wintermute, it seems, emboldened by liquor, was desirous of making a public exhibition of his prowess, and possibly thinking to wipe out whatever of stain had been made upon his reputation as a fighting man from the conflict in the saloon, hastily conceived the plan of shooting, and procured a pistol from

some friend during the brief interval between the saloon brawl and the tragedy in the courtroom.

The circumstances up to the firing of the first shot point more to an exhibition of bravado than anything else.

The fact that Wintermute was not armed when the fracas occurred in the saloon, but upon leaving that place procured a loaded pistol and a few minutes later appeared in the courtroom, indicated that he had not premeditated any serious trouble prior to the saloon fracas.

At the October term of the Territorial District Court following, Judge A. H. Barnes, presiding, the grand jury returned an indictment against Wintermute charging the crime of manslaughter. This being a bailable offense the defendant was released from custody upon giving bail in the sum of \$50,000. Court then adjourned.

During the following month, Acting Governor Whitney, father-in-law of the late secretary, who had been appointed to succeed Secretary McCook, issued a proclamation during the temporary absence of Governor Eurbank, re-assigning the judges, which brought Judge Peter C. Shannon from the Third Judicial District in the northern part of the territory to the Second District at Yankton, and assigned Judge Barnes to the Northern District.

Application for a change of venue in the case was made by the defendant, and was heard by Judge Shannon, at a special term of court held in January, 1874. The motion was denied.

A motion was now made by the prosecution to quash the indictment for manslaughter returned by the grand jury in October, 1873, which the court took under consideration.

At the adjourned session held in March following, the judge ruled that the law of 1862-63 under which the indictment was found, was not in force; that the grand jury had been improperly empanelled, and the motion to *nolle pro* was allowed by the court. Defendant Wintermute was ordered into custody; and on motion he was admitted to bail in the sum of \$35,000.

On April 15th, court convened in regular session for the trial of the case. District Attorney Phil K. Faulk, who had charge for the prosecution, secured the admission of Jason B. Brown, secretary of Wyoming Territory, to assist himself and George H. Hand in the prosecution. The counsel for defense were Moody and Cramer, William Tripp, Bartlett Tripp, and Hon. S. L. Spink, of Yankton, and Leonard B. Swett, of Chicago. A grand jury having been summoned for the purpose of a new inquisition of the case, the former indictment having been quashed, the following persons were finally empanelled as a grand jury, after being duly examined by counsel regarding their qualifications: John L. Wolf, M. D. Gardner, J. M. Burk, George H. Miner, Franklin Wixson, Nathaniel Prescho, G. W. Delamater, Henry Luebke, James Hendershott, John Gill, Sr., Robert Cox, Daniel Parkhurst, William P. Lyman, Luke Lavery, and H. Ellerman. The following day the judge charged the jury concerning their duties as grand jurors as follows:

Gentlemen: You have been duly sworn and empanelled as a grand jury, and it now becomes the duty of this court to duly instruct you in your true duties, that you may avoid all errors in their performance. You hold an important position as an auxiliary branch of this court, an aid to render certain assistance in administering justice. But I must endeavor to correct one grave misapprehension of a juror's duty that has crept into the minds of many people, by saying that you are not hereby to try any case. A grand jury is not to try on both sides before some tribunal. You gentlemen are to administer only the evidence on the side of the people. You are a secret tribunal to accuse of crime. You have no right to hear evidence in favor of an accused person, or produced by him. It is absolutely unlawful for you to hear him or anyone for him.

It is all a mistaken idea prevailing in some minds, that the grand jury comes in to try for the trial of criminals. From its first origin only an ancient hundred years ago, from the Anglo-Saxon founders down through the ages to near the end of the nineteenth century, it was never held that a grand jury could try or defend a person. The great object then sought was to maintain it as a place to hear the witnesses of the government and those sworn, and to exclude from their presence the accused and all his witnesses.

Before entering on such important duty, it is best to think for a moment upon the solemn oath you have taken; for I will not suppose that any man intends to violate it; to seize the bit in his mouth and trample on the laws of his country. You have sworn to keep the counsel of the people, of yourselves and of your fellows. You bound yourselves to keep absolutely secret all that may occur in your room. You are not at liberty to divulge anything said or done while arriving at your conclusions. You may not even relate outside what one of you may have said to another. There is but one exception to this. If it should become necessary hereafter in a court of justice, in order to convict a witness under indictment for perjury, a juror may testify as to what that juror witness said in their secret sessions. I know of no other exception. You cannot communicate these secrets even to the court; and the district attorney is equally bound to secrecy and the observance of the law. You shall inquire and due presentment make of such matters as shall be given you in charge by the district attorney, of which you shall have legal evidence as occurring in this County of Yankton. You will truly present to them as they come to you through the officer for this county, and him only, by the witnesses he shall introduce. He represents the majesty of the people. All accusations and evidence must come to you by him alone. Neither he nor you can make the law. This court cannot make the law, but it must obey and administer the law.

The first institution of the grand jury was away back in 1164, when a law was enacted, saying in quaint old language, that in cases where men were suspected whom no one dared openly to accuse, the sheriff should select twelve men who should declare the truth. These men were at first summoned as witnesses to jointly accuse of crime, and put a man on trial with less individual responsibility. The number was afterwards increased. So the grand jury has been ever since a secret place to accuse of crime on behalf of the people, but not to hear and try cases. It would be a high usurpation were it to presume to take the place of the court and forestall the action of the petit jury, who are to hear both sides.

I dislike to quote from books to juries, and some may deem it in bad taste; but I must read to you from the best common law authorities some further rules for your guidance. (Judge reads from Reports, but text not reported by clerk.) This requires that you shall examine such witnesses as the people's officer shall present, or enough of them to justify an indictment. He may attend your sessions, explain to you points of law, make charges and introduce his witnesses, but must not be present at any of your deliberations or votings upon such cases. You must keep secret the evidence you hear, the votes taken and the remarks made to each other. Sixteen men legally compose the jury, and twelve or more of these must vote in favor of an indictment or no bill can be found. All must deliberate and act together.

I will further read from the law principles established ages ago. The prosecuting attorney must submit the indictment and produce proof. No other person can go before you for that purpose, though in open court he may call in the aid of others. What sort of evidence, or how much is required, to justify finding a bill? Sir Matthew Hale, upon this point, has said: "In case there is probable evidence a crime has been committed, the grand jury ought to find a bill; it is but an accusation, and is to be tried afterward before the judge and petit jury." All attorneys know that. You are to consult the district attorney and the instructions of this court upon matters of law. Would it not be a gross usurpation if jurors should secretly judge the law and disregard it? If the grand jury could try cases it would put a party on trial twice for the same offense. From all the authorities here cited, the court is of opinion, that it would be grossly illegal for you to examine or hear witnesses for the defense. Your oath says you are diligently to inquire, etc. But that does not mean that you are to inquire in behalf of both sides, or to hear anything to clear the accused. Inquire diligently into the charge but not the offense. You are to judge of the credibility of witnesses, and are at liberty to disregard the testimony of infamous persons, or those not to be believed under oath. In cases where insanity is presumed and believed, you must still find a bill; it has been invariably held in England that an insane homicide must be indicted for murder, because the grand jury could not try the question of insanity. I shall not ask to be excused for taking so much time in this charge, or for going into such long and explicit details. I repeat I do not ask you to excuse me for performing this solemn duty of laying down the law of the land. This duty the law imposes on me, and I am bound to comply as thoroughly and impartially as in my power. Having instructed you in general duties, I now proceed to charge you in relation to a case of homicide that will be laid before you. I have reason to say this, for I have judicial knowledge that such a case will be presented. Therefore, in view of what will soon be your great responsibilities, I must now proceed to lay before you the general principles of the laws of this territory relating to homicide. I can only give you the general law; special points will arise upon special trial.

From the ancient and general law, "Thou shalt not kill," is derived our present law. Homicide, the killing of one human being by another, is of three kinds: Justifiable, or excusable homicide; manslaughter, and murder. Homicide is justifiable or excusable when a person is killed under certain circumstances set forth by law. The law of this territory says it is excusable when done by accident or misfortune in doing any lawful act, or when committed by accident or misfortune in the heat of passion, or on sufficient provocation; provided, that no undue advantage is taken, or dangerous weapons used; and provided

that it is not done in a cruel or unusual manner. It is justifiable when done in carrying some necessary legal process, or when resisting some felonious or murderous attack. But suppose that a previous affray had taken place without dangerous weapons being used or serious harm done; suppose sufficient time elapses for the heat of passion to cool; that then one party arms himself, lies in wait to watch for his opponent, and suddenly draws his pistol or gun and kills him, would such an act be excusable homicide under the law just read? Most certainly it cannot be so regarded. If a man is trying to murder you, you are justified in slaying him; also if he is trying to break into your house, or commit other felony upon you. It is important that you should know and understand the whole of these distinctions of crime.

The second grade of homicide, or manslaughter, is found when perpetrated with a design to effect death, and in the heat of passion, but in a cruel and unusual manner, or by dangerous weapon. It can be held manslaughter only when perpetrated without any design to effect death. So that in any case that may come before you, be it manslaughter for manslaughter, you must first fully believe that there was no design to effect the death of the person killed.

Homicide is murder when unlawfully committed with a premeditated design to effect death. In the case before you, you are to inquire, first, was the killing without authority of law? and second, had he a premeditated design to effect the death of the person killed. Again as presiding judge, it becomes my duty to explain the meaning of the words "premeditated design." You will naturally inquire and the question has arisen in many courts, how long must a purpose have existed to constitute premeditation of purpose? Does it require a year, a month, a day, an hour, or even less? How long does it take a man to form a design to kill? Fortunately we are not left in doubt or ignorance as to the intent of the statute; for section 243 says: "A design to effect death sufficient to constitute murder may be formed instantly before committing the act by which it is carried into execution." The answer is there and thus plainly written. There is no room for conjecture; no need of explanation. It is the law of the land, and neither you nor I have power to alter that law, or deviate from it. One more question may arise. Does anger or intoxication excuse a person from the guilt of such an act? Here again we are not left to float in a sea of doubt or speculation. Section 244 declares: "Homicide committed with a design to effect death is not the less murder because the perpetrator was, in a state of anger or voluntary intoxication at the time. I also read from standard extracts which prove that however great the original provocation, if sufficient time has elapsed for anger to cool, the killing must be classed as murder. I began by saying I could do no more than give you the law of this territory. This duty I have performed, fearlessly and conscientiously, looking solemnly to God for approval, and having fulfilled it without fear, favor or affection, my duty now ceases. I leave you, gentlemen, to begin your responsible labors.

The jury then retired.

On the day following the jury asked further instruction from the court as to whether they were compelled to act upon the exact indictment furnished them by the district attorney, or whether they could substitute another and act on it, or change the grade of crime named.

The judge explained that by act of January 8, 1873, all codes or bodies of written criminal laws were abolished, and in place thereof the regular common law practice was adopted as the standard of procedure, assimilated as nearly as possible to the practice of the United States Court. He then gave the law on the point referred to him, and decided that the grand jury had no power to act upon or present any bill not submitted to them by the public prosecutor.

The following day, Wednesday, April 20th, the grand jury returned into court and presented a bill of indictment charging Peter P. Wintermute with the crime of murder in killing Edwin S. McCook. The offense not being bailable, the defendant was committed to jail.

At the May term of court, 1874, following, the case was called for trial. Counsel for the prosecution and defense the same as before the grand jury. A panel consisting of forty-eight persons had been summoned as petit jurors, and the labor of selecting the trial jury to be composed of twelve was then begun. John Hartert, C. G. Irish, Eugene Alexander, H. H. Davenport, Alfred Bruce, George Jenkins, M. U. Hoyt, John J. Duffack, D. D. Keeler, H. Krueger, C. H. Edwards and E. S. Mosher, had all expressed opinions and were examined, and only two of the forty-two persons examined stood test as to qualifications. These were Hiram Derby and James Cornell. Court then adjourned till the 14th. On reconvening the court the examination of jurors was resumed. January

P. Truesdell was sworn in as the third juror. John H. Haas, a farmer, No. 4; Jonathan Renner, No. 5; George Shearer, No. 6; Willis Arnold, of Gayville, No. 7; Iver Bagstad, No. 8; Charles Van Epps, No. 9; Olaus L. Grimsrud, No. 10; Thomas Royster, No. 11; William Ingram, No. 12.

During the empanelling of the jury, Charles Long, M. Bartholomew, Frank Peehan, Martin Jensen, Louis F. Michael, Manson Seeley, Silas Presby, Henry Koch, Joseph Emmerson, John M. Johnson, G. J. Devoe, F. M. Devoe, James Donahue, Thomas Frick, William Nieland, Henry Nieland, Gardner Baker, Zebulon Stout, J. G. Beardsley, F. Beers, A. VanOsdel, John Daugherty, S. VanOsdel, Louis Sampson, Ole F. Hille, George Winters, Myron Blodgett, Samuel Blodgett, John Aalseth, John Betts, Robert B. Leach, John C. Woodruff, Elias Hudsmith, Ed Palmer, J. Mundroff, D. M. Noyes, J. B. Robertson, Jacob Griffin, George Platt, William Blatt, William Brisbine, Samuel Ream, Llewellyn Stephens, Henry Mowry, Charles Lofler, John English, W. E. Wilson, Edward Raymond, Norman Learned, Frank M. Withee, Charles Broderson, Adolph Mauxsch, Peter Lewis, John Hatcke, Isaac Piles, Griffin Greene, J. Ferdinand, Thomas Limpo, Elias C. Marvin, William Ingram, were all examined as to their qualifications, and discharged, the large majority having formed an opinion; some not being able to understand the English language, and a few thrown out on peremptory challenges. Four special panels were summoned in addition to the regular panel, before a jury was selected. The empanelling of the jury was concluded on Saturday; an adjournment was taken until Monday, when court re-convened, and the taking of testimony on the part of the prosecution was begun May 18th.

Wm. M. Powers, of Yankton, was the first witness. He and F. M. Ziebach were together in the hall, near the courtroom door, on the night of the murder, when Wintermute, passing, said to them: "You tell McCook that I shall shoot him on sight."

C. G. Wicker, president of the Dakota Southern Railroad Company, testified: "I knew the general and Wintermute. Saw them together in the hall or passage that evening. McCook and I were together at the door when Mr. Ash and Wintermute came out of the meeting. Wintermute said to McCook, 'Give me a cigar'; McCook replied, 'I haven't got a cigar.' Wintermute then said, 'Give me the money to buy one then' (with an oath). Wintermute and Ash then went down stairs."

C. L. Bancroft testified: "Have been a bootmaker in Yankton for two and a half years. Went into saloon under St. Charles Hotel about 8 o'clock that evening. Soon followed by McCook. Found there Wintermute, Ziebach, L. M. Griffith, Ash and Cowan. The first I noticed was Wintermute saying to McCook that he could whip him. McCook replied, 'Guess you can't do it.' Wintermute said, 'If I can't whip you, I can shoot you. By —, I will shoot you.' Wintermute then shook his fist in his face and said, 'You are a — stinking puppy, and I'll be — if I don't shoot you.' Then McCook struck him, bent him over the bar, took him by the collar, threw him on his knees and hands and elbows on the floor, striking him two or three times as he held him, saying, 'You'll shoot me, will you.' They were parted, and McCook at once went out, but Wintermute remained and washed his face. It was bloody from a cut from fist, or bruise on left cheek, not severe. Said he would go to the hall again. Cowan said he had better go home. Wintermute said no, he would go to the hall; this was the worst thing ever happened for Capital Street; he'd break up the meeting, for he had the crowd here to do it; and if McCook ever got on Broadway he would shoot him. He left the saloon and I stayed. McCook replied in a cool, easy manner, and not excited, when Wintermute first said he would whip him. When he struck Wintermute two or three times it was not so hard as I should have thought such a man would strike."

F. M. Ziebach testified: "Was in the saloon when Wintermute and Ash came in. The first thing Wintermute said to me in presence of McCook was this: 'This is the man I'm mad at, and I'll tell you why. I came here to this railroad meeting without any money, and asked McCook for 5 cents to buy a cigar, and he told me to go to h—l.' I supposed of course they were joking, and said in joke, 'Then you ought to have whipped him.' Wintermute said, 'I can whip him,' to which McCook said, 'Oh, no, you can't do that.' (Witness here gave an account similar to Bancroft's of the scuffle between the two men.) McCook made not the least attack or provocation toward Wintermute till called a puppy and then threatened. I afterwards saw Wintermute in this courtroom, and in the passage at the door. Powers and I were together. He came to us and said in a calm, deliberate manner, that he'd shoot McCook on sight, and I might tell him so. I told him it was none of my quarrel, and he might deliver his own message. I think Wintermute was not seriously hurt in the saloon."

THE SHOOTING IN THE COURTROOM

Miles T. Wooley testified: "At 10 minutes to 8, Wintermute came to W. G. Press, who sat by me, and got him to second his nomination of Ex-Governor Edmunds as chairman of the meeting. Wintermute went out and was gone some time. Came in and took a chair close to aisle. Got up and interrupted Burleigh's speech, called meeting to order, asking if it was a d—d rowdy meeting, saying he had just been licked out of his boots by General McCook, and (pointing to his face) had got this to show for it. He went out and came in twice, and kept looking back at the door. I was looking at him, listening to Mr. Spink's speech. After half or three-quarters of an hour, saw him rise, draw and cock a revolver and step forward three or four steps toward the door. I saw McCook at the door—saw Wintermute fire at him. Rossteuscher rushed into the room toward him—so did McCook. I distinctly saw Wintermute fire the second shot, and think I saw blood then flow, but not before. The time between these shots was very short. The two men were very close together—revolver might have touched McCook's clothes. No one had interfered with Wintermute in the room that night. I got out in the hall; soon heard the third and fourth shots. After the first, McCook rushed in with both hands up, and both were open and empty. I saw no pistol that night but Wintermute's, a medium sized revolver."

Charles F. Rossteuscher, justice of the peace, testified: "I was at the time the affair began, standing in the doorway with McCook, looking at the meeting. Saw Wintermute advance and fire directly at us. I went in and Wintermute stepped back. I took him by the shoulder and said, 'You are my prisoner.' I was pushed aside partly by McCook, just behind and at one side of me, when another shot was fired under my raised left arm. In an instant they had a scuffle and went down on the floor by the stove. When they clumped, McCook had hold of the muzzle of the pistol, and 'English Pete' caught his wrist. Wintermute had been sitting crosswise on his chair, looking often at the door. I had twice been out looking for an officer, as the meeting was disorderly. When they fell and upset the stove, Wintermute was under. Major Hanson stepped on his arm and wrenched the pistol from his hand. No person had meddled with Wintermute from the time he came in until he began to shoot."

Cross-examined—"After they fell by the stove, I took hold of McCook, saying, 'General, for God's sake quit.' He said, 'No, don't you see I'm shot.' They were parted and got up. Then another assault was made, the stove and drum were knocked down, and they fell. Wintermute had just given the fourth shot, but I didn't see it. Hanson took away the pistol. They were again separated and got up. McCook then went to shoving him toward this part of the room toward the window. Forced him against the window; knocked out a pane of glass with his fist, and was trying to push Wintermute through when prevented. He didn't hold or carry him there but shoved and forced him. I arrested Wintermute, and afterward issued warrant on a charge of murder when McCook died. I am a justice of the peace. I saw Wintermute go and look into Judge Bayliss' room as if looking for some one."

Dr. Walter A. Burleigh testified: "Was educated for the medical profession. Practiced till 1860. Knew General McCook. He died September 12, 1873, in this building in Yankton County, from hemorrhage caused by a pistol shot wound under the left clavicle and over the first rib, 3 or 3½ inches left of the breast bone. The ball came out in the back of the shoulder, near the neck. The ball passed through the flesh and muscle, severed the sub-clavian vein and artery, and wounded the brachial plexus or bundle of nerves. Cutting off the sub-clavian artery is very dangerous. When necessary to ligate or tie it up in its third division or the part nearer the shoulder, it sometimes saves life, when ligated in the second division nearer the heart, it oftener fails; and is always fatal when in the first division. Only thirteen cases of trying to tie this artery are recorded, and all were fatal. In General McCook's case it was just between the first and second portion, and was necessarily fatal, because very deep in the body and below the ribs. It is not the usual habit to attempt to ligate in such cases. (Witness explained the artery with its chief arteries, especially the sub-clavian, lying below the collar bone, which carries blood to the arm.) I first saw McCook about thirty seconds after he was shot, rushing and running, his left arm was paralyzed by wound of the motor nerves. This was a mortal wound. No surgeon on earth could have saved him. He was in a state of collapse and had lost a great deal of blood. The opinion of all surgeons and the history of the profession prove it mortal. I did not see the pistol fired, but heard just four shots. Saw the third shot strike the ceiling. While I was making a speech in the railroad meeting, Wintermute came in, called meeting to order and said something. Saw him afterwards come in and sit by the table near middle of room; didn't observe his actions there. After the shooting and struggle, I found both deluged in blood, and helped take McCook into room and laid where we attended him and examined the wound. He asked the nature of his injury, I told him I could tell after taking off his clothes. He said, 'I am not afraid to die. Doctor, tell me my true condition.' I said, 'There is no hope; it is all over with you.' He then had me send for his sons and sons-in-law and told them to kiss him for he must soon leave them. He said, 'What is to be done now, and always mind your mother.' He said to me, 'I'm not afraid to die; I go to my God with clean hands.' He said his accounts would be found all right. About midnight I was

him a short time, returned and stayed till he died. McCook said nothing of surviving; no encouragement of it was given him."

Question—"What was said by McCook as to the cause of death, who caused it, etc."

Objected to by defense who entered into an argument to show that it was improper evidence, because the fact that McCook believed he was dying was not fully proved, and they claimed the right to rebut that belief with opposite proof. The prosecution held that to entitle the last words of General McCook to be admitted as dying declarations, *prima facie* evidence was enough, and that opposite proof was not in order.

It was held by the court that the foundation had been properly laid for introducing the dying declarations as to who killed him; that the defense cannot now stop the progress of evidence to bring in rebutting proof to impeach McCook's statement that he was then just going to die, and that not a single reported case authorized him to decide otherwise.

Exceptions were taken by defense.

Doctor Burleigh then replied to the question objected to, and said: "McCook said substantially this: 'He shot me down like a dog, without giving me a chance to defend myself.' I asked him who? He said, 'Wintermute.' I said, 'Had you no arms?' 'None but these,' said McCook, raising his right arm a little, but failing to stir the left, he said, 'It's no use; I can't move it?' He said he was standing at the door; was surprised to find Wintermute shooting at him and went to take the pistol away, when Wintermute shot him in the breast. I attended the post-mortem examination and then saw the interior course and effects of the ball."

Dr. Geo. E. Moon swore to substantially the same facts as Doctor Burleigh. Described the cutting of the vein and artery, and said such a wound must in all cases cause death. "No help for it. When I came to McCook's bed, he said: 'Doctor, I never thought I would come to this. I am killed.' I replied, 'I guess not General.' He said he was shot just as his brother was, and he knew he could not recover; could have kept out of Wintermute's way if he had known; that he was shot by Wintermute, and the second shot killed him. The blood from the front wound was dark and venous, from the other in his back, came bright arterial blood."

Dr. James M. Miller testified: He did not see McCook while living. He drew a sketch of the aorta and branch arteries for the jury, and testified like the others as to the fatal character of such a cutting of the artery and vein.

Joseph R. Hanson testified: "Was sitting in Mrs. Bayliss' room and saw General McCook there. Was in the hallways when shots were heard. The crowd rushed out, and kept me awhile from getting in. Saw a pistol held high in air and persons trying to get it. Wintermute and McCook fell; I put my foot on Wintermute's arm, and took the pistol away from him. (Produces it.) This is the same one, all but the cylinder, which was on the floor. Was with the general in his room till he died, except about an hour. When undressed he said to Burleigh, 'Doctor, how is it with me?' Being told 'Ed, it is all up with you,' he said, 'All right, Ed, McCook dies game.' This pistol has been in my possession ever since, locked in a safe, except when taken before the grand jury. I identify by its number and a private mark I made on it at first."

Charles H. Bates testified (produces the cylinder and fits it in the pistol): "I picked this up on this floor soon after the fourth shot. I saw flash of first shot; saw Wintermute fire the second shot, and saw blood just after it on McCook's coat and vest. Heard two other shots. I have kept this in my trunk ever since, and the four empty cartridge shells in it have never been taken out." (Both parts of pistol are stained with blood.)

James M. Stone testified: His testimony regarding the affray in the courtroom was substantially the same as the others, and court then adjourned for the day. On reconvening Wednesday morning, May 20th, the cross-examination of James M. Stone was begun, and the entire forenoon was occupied with questions addressed to the witness and objections and arguments of counsel as to their admissibility. Mention was made in Major Stone's examination-in-chief of the resolution Wintermute offered at the railroad meeting, declaring lack of confidence in the Dakota Southern Railroad Company. On this ground the defense claimed the right to cross-examine by such questions as would bring out the whole proceedings of the meeting. Witness was asked what Judge Brookings did, and other questions, which were ruled out by the Court as going beyond the ground of the direct examination. Attorney Swett submitted a written proposition proposing to prove by the witness the main facts of the railroad meeting, the causes that led to it, and the temper and conduct in which it was carried on. Written objections were made by the prosecution to the reception of the evidence, and the Court sustained the objections. Exceptions taken. Defense then proposed to prove that the meeting was violent and turbulent, increasing in anger till the time of the murder. Objected to, argument followed, and court adjourned for dinner. On reconvening the Court sustained the objection and ruled out the questions as not warranted on cross-examination. Exception taken. E. F. Higbee, S. V. Clevenger, J. A. Kent, J. Shaw Gregory, Wm. P. Dewey, E. N. Van Antwerp, A. F. Hayward, Thomas Kilbride, Mrs. Belle Bayliss, Geo. P. Waldron, Henry E. Buell, Henry Thwing, Lott S. Bayliss, D. T. Bramble, John O. Bates, George Wagner, Wm. C. Cowan, and L. M. Griffith also testified for the prosecution, their testimony substantially corroborating the statements already given regarding the shooting and the fracas in the saloon, except the testimony of Mr. Wagner, gunsmith, who testified regarding the pistol

and cylinder produced by Witnesses Hanson and Bates, that the cylinder appears to belong to the pistol, and that the cartridge given him appears to be the proper size for that pistol. He had noticed that some shells expand and become tight by firing, and some do not. Sometimes he finds slight difference in size in same box of cartridges. A size larger or smaller would not fit this pistol.

Mrs. Loraine McCook testified: "I am the widow of Edwin S. McCook. I first saw him when shot, after he was placed in bed and undressed. The conversation we had and not show any hope of getting well. He told me not to entertain the hope that he might live; that I must make up my mind to part with him. Gave some details about his affairs. My father and mother (Mr. and Mrs. Oscar Whitney) were present. He said it was utterly impossible for him to recover. I tried to encourage him all I could, but I felt it hard to give him up, so I tried to have him keep still and not talk. He said, 'Well, perhaps it is as well; I will try.' They applied ice, and said no more could be done, we must wait till morning. A little fresh blood oozed from the breast, but we did not examine the wound in the back. The bed was so saturated that about midnight we heard the blood dripping on the floor. When E. T. White was sitting by him, he opened his eyes, said: 'Ed, is this you?' I don't remember all he said to him, but think he said: 'Perhaps some time I can come and nurse you.' That was all of that sort that I knew him to say."

Mrs. Oscar Whitney testified (Counsel for defense here objected to receiving the testimony of these two ladies, as belonging to rebutting testimony, if admissible at all. Argued by prosecution that it was an essential part of their case, and if withheld now, perhaps would be inadmissible hereafter. The Court sustained this view, and Mrs. Whitney proceeded): "I first saw General McCook when being led to his room. He said to Doctor Burleigh, 'I shall die. I am shot just as my brother was. What do you think of it?' Burleigh answered: 'Ed, my boy, I can't give you any hope.' I said, 'Oh, Edwin.' He said: 'Mother, don't give way to your feelings; I shall die. Hurry and set me down, and call Loraine and Charley.' When they came his wife said, 'Oh, Edwin, you cannot die; God will not take you away from me.' He replied, 'I shall die, you must not entertain any hopes. I've seen too many people shot to expect I can ever get well. I am not afraid to die. I go to my God with clean hands. I never have wronged man, woman, or child; but to be shot down in this cowardly way without a chance to defend myself, Oh, it is too much.' He said it was Wintermute who shot him, repeated his name several times. After he was roused from his stupor with nausea, perhaps 1 o'clock, he called his wife, who said, 'I'm here.' He said, 'I can't see you any more.' After that time we couldn't tell what he said. He died near 7 A. M. Nothing was given him as medicine; no opiates or any other medicine, but ice was used to stop the blood. Doctor Thomas was with him; sat down in a chair with his head on a pillow and went to sleep while Edwin lay in a stupor. He slept about two hours. Loraine grew very much excited about this. We shook the doctor's arm and begged him to do something. The blood soaked through a thick mattress and dripped on the floor." (Here the prosecution rested its case.)

TESTIMONY FOR THE DEFENSE

Hon. Leonard Swett made the opening address in behalf of the defense, consuming about two and a half hours, after which court adjourned until the following day, Friday.

Friday, May 22d. John J. Thompson testified: "I came to Yankton County on 1860. Was here in the room at the homicide, sitting by the middle window. Wintermute sat at my right hand three-quarters of an hour, doing nothing unusual as I could see. He got up and asked me to go down and take a cigar. I declined, and he went out. After awhile he came back and sat down near the stove for fifteen minutes or more and did some talking to the meeting, saying that he had been beaten by McCook, whipped out of his boots or some such thing. His face and cheeks were scarred, his eyes swollen, and some blood on his face. He was pretty badly beaten. Don't think he left the seat till the shooting commenced. I noticed nothing peculiar about his actions or manner. Doctor Burleigh was speaking when he came in. The first that called my attention was a pistol shot. There were two close together; I could not tell where the first one was. Wintermute was standing up when the first was fired. I turned to Wintermute and saw him fire the second shot, don't think any one man could fire two so near together. He was standing at the side of the stove. He did not advance an inch, I am positive. I don't know where the first shot was fired; the sound was right in the room, but where it started from I can't tell. I don't know whether Wintermute fired the first one or not. McCook was standing in the doorway leaning against the left door jamb when the second was fired. Then he made a rush this way; about half way between the door and the stove they met and grappled. It is hard to tell what occurred next, for having had my feet on a chair before me, they got caught in the back of the chair, threw me down and I could not rise till most of the crowd had passed over me. Then I went out in the passage. I saw Wintermute run and stand by his chair before a shot was fired. Wintermute did not walk a step toward the door before the second shot. Meeting was rather boisterous, harsh words were heard. There were no people drunk in the room, though there had been many drinking that day."

Cross-examined: "I was not in when they organized. Wintermute was here when I came. He and Mr. Ash went down for a cigar. They were gone fifteen to thirty minutes or more. When Wintermute came back he sat next to the stove, I think one row of chairs in front of me next the aisle. There were three or four lamps at the speaker's desk and I think back of these also. There was an inch of sawdust on the floor. I didn't notice Wintermute's face hurt till he spoke of it. I didn't see him come along the aisle to take the seat. I was hearing the speeches. There was blood on his face and collar. His right eye was swollen, so I don't think he could see with it; marks on both cheeks. I think his words were, 'Is this a — rowdy meeting, or is it not a — rowdy meeting.' He also said he had just been licked out of his boots by Secretary McCook, and had this to show for it. Burleigh told him McCook ought to have knocked his head off. I don't remember Wintermute's making a vulgar or indecent reply or any reply. The meeting was quiet and orderly when Wintermute came in that time, though some excitement. No outbreak except this shooting. Mr. Spink was speaking when it begun, but he had had no interruption. The only previous disturbance of the meeting was that when Wintermute rose to a point of order, and said he had been licked. The first and second shots were fired very close together. I am confident I couldn't fire them as quick. Wintermute fired the second. I don't think Wintermute had time to put his hand in his pocket, take out a pistol and fire it, after hearing the first. They sounded the same. I didn't see McCook have any pistol. I got out of the room as quick as I could. Heard three or four shots before I got out and one after. I had seen McCook at the door looking in. First saw him inside after second shot. When Wintermute fired there was no one troubling him or molesting him in any way. I was one who signed Wintermute's first bail bond."

William Tripp testified: "I was present sitting in the meeting very near this present witness stand. A pistol shot first drew my attention; the report and what I supposed to be a ball passing near me." Cross-examined: "I was watching Spink who was speaking. These railings were not here then. Doctor Burleigh was at my right. I spoke to Burleigh of hearing the ball go by; we both spoke of it. Don't know where Wintermute was then seated. I am confident it was the ball from the first shot. I heard four or five shots. The second was almost instantly after the first. I think the ball whistled between our heads. I heard it plainly." Re-direct: "We heard it and said we had better get out of there. I got out first."

S. L. Spink testified: "I was speaking when the shooting began. The meeting was then very excited and tumultuous; they asked questions and I replied. Heard cries of 'Put them out,' 'Shut up,' etc. Had heard remarks that the meeting would probably break up in a row. It was broken up by the shooting. I came next morning; the door was locked. Got in and found the room in great confusion. About as left the night before. Examined the room very carefully." (Counsel presents a chair for examination.) "I found this chair. It was between that window and the stove. There was blood upon that chair and the fresh mark of a bullet, which now shows."

Cross-examined: "There was blood on a great many chairs there. I didn't notice on the floor for there was sawdust on it. The ball had gone through, but I didn't look to find it on the floor in the sawdust. A great many chairs were turned topsy turvy. I was making a speech that night against the railroad company, with a good deal of excitement. Was interrupted often by questions from Burleigh, Brookings and others; perhaps Waldron, too. The questions were but a small part of the interruptions; they were both cheers and hisses. Can't recollect any but those three who interrupted. Did not see General McCook till the shooting. Heard and saw no signs of violence against Wintermute, none against me or anyone else. I thought it very likely it would break up in an open fight. The fault was on both sides. McCook was not a participant that I know of. Wintermute participated actively in the meeting and interrupted it once. He was one who helped organize the meeting and nominated Edmunds to preside. Edmunds, Wintermute and I were in the same sympathies regarding the meeting."

A. M. English testified: "I have lived in Yankton since 1860; carpenter and builder. I was present at the homicide. The first shot sounded to me as if fired in the stairway. I did not miss Wintermute from his seat from the time I saw him there until the shot was fired. Next I saw him standing in the aisle, a little more toward the door, about eight feet from the stove; there was a rush and a trampling of feet. I saw people running and McCook advancing toward Wintermute. About as they closed the second shot was fired. They were just then close to the stove, Wintermute in the act of falling and McCook going down on him. I didn't see any pistol nor the blaze. They were near enough to reach each other. When Wintermute came up from the saloon his face was bruised and swollen, one eye nearly closed. (Gives account of Wintermute's speech.) Saw no blood on him. There had been excitement in the meeting over the discussion; a little noisy. When they fell in the scuffle there were two or three other shots fired; I think three. After they were separated I saw Wintermute trying to run or at least on a fast walk by the stove. He fell down and McCook came up to him and kicked him. I saw them wrangling off in this direction, I heard five shots. The first I saw McCook, he was in the aisle approaching Wintermute on a fast walk. Heard him say near the window he wanted to shoot him. McIntyre was trying to quiet the disturbance. I saw 'English Pete' engaged in the scuffle. I heard a crash at the window and think a light of glass was

broken; don't know how it was done. I came from Broadway to the meeting with Wintermute, and Spink and Ash. I think 'English Pete' was alone.

Question. What were you talking about? (objection by prosecuting attorney, and exception taken.) I don't think Wintermute was at the door. General McCook's name was not mentioned.

Cross examined. There were about one hundred people in the room, not as many as there are now. I sat on the north side of the desk, but when Wintermute came in first I took his chair. He came in and sat down an instant, then rose to a point of order. There were some profane and obscene remarks made then. Not over fifteen or twenty minutes later the shooting occurred. I didn't see any one drinking, or any talking, although some had been drinking. There was excitement on the railroad question, but I think it was rather an orderly and quiet meeting considering the excitement. When Wintermute came in again he took a seat at my left, then changed his seat and sat down me. That was before the shooting. When the first shot was fired, I don't know whether he was standing or sitting. He may possibly been half way toward the door; but I didn't miss him from his seat. The first shot came in from the door. I heard it, and saw Wintermute and then McCook following him up. Saw no pistol in McCook's hands. If he had one I might or might not have seen it. He came in with his hands thus (holding them up and open). I can't say whether I saw blood on McCook's hands, the second and third shots or not. Nor whether McCook had held or Wintermute at the time of the second shot. I didn't see anybody fire it.

Question. Don't you know that McCook did not fire it.

Answer. No, I can't say that I know he didn't. I saw him come in rapidly with his hands up. Don't know as I watched him till they got together. My attention was on them both. I saw no pistol. I never swore before a grand jury that there were only three shots, and that I saw none of them. They must have made a mistake in the notes. It is my opinion there were five shots. Saw a pistol later held high; both men struggling for it. Think it about the size of that one.

Question. Can you distinguish by sound between a shot fired in at the door, and one in the room?

Answer. No, I cannot.

Question. When did that kicking occur?

Answer. After all the shots.

Question. Do you remember hearing McCook say "he has shot me?"

Answer. No, I do not; only heard him say he wanted to shoot Wintermute. Much might have been said that I didn't hear.

Re-direct. I saw Major Hanson pick up a pistol off the floor; not in any one's hand, near the stove.

Cross-examined. Wintermute had just passed near where the pistol was. Didn't see Hanson step on Wintermute's arm and pull the pistol from him. I saw the pistol drop and saw Hanson pick it up. Don't know who dropped it.

Carl C. C. P. Meyer testified: "I have resided here fourteen years. Was at the railroad meeting. I was sitting on the north side by the wall. Saw Wintermute when he came in and rose to a point of order. His face looked very bad. He showed the mark he got from scuffling with McCook in the saloon. The first I knew of the shooting was a shot fired from the outside of the room, which drew my attention and I turned round, turning I saw Wintermute at that moment raise out of his chair, and out as soon as he rose I saw McCook and Rossteuscher rush toward him. Then I saw, right off two shots fired. I only saw the blaze, as there was no light at that part of the room, saw the flash of two shots fired at once; not more than so far apart (about three feet), about half way from the stove to the door. Then I saw Rossteuscher close to Wintermute, and McCook just behind him. The shots were about breast high, both flashes were level, were very close together as to time. Then McCook seized Wintermute by the shoulder, and Wintermute was pressed down by the stove, there the third shot was fired that killed McCook; and then when they were struggling on the floor one shot went up that I believe struck the ceiling here, I saw a hand held up but no pistol. Then McCook took Wintermute to the window and tried to put him out. After that I couldn't see much; I only know that Wintermute was on the door by the time when McCook was led out of the room. I am positive there were five shots fired in all. I stood in the place all the time. I have been acquainted with the men in the room ever since. The first shot did not sound like the rest, and must have been of smaller caliber. I was able to tell the difference between firearms by the sound, even though all the difference between a shot gun and rifle by sound, but can between pistols of different sizes."

Cross examined. "I entered the meeting while the door was open. I rose to a seat when firing began. There was no one sitting between me and Wintermute at all. The space between was entirely open. My attention did not focus on Wintermute, as I was attending to Spink's speech, till I heard the shot outside the room, then I turned right at the door; first glanced at Wintermute as I passed. Saw McCook and then McCook came this way. Wintermute stood till they came near. Don't know whether he advanced half way to the door to meet him, or not, but he did not go into the room, but not more than one. McCook did not have his hand raised when I saw him, and

tell how he held them. I didn't see any revolver there at all. Nobody got between me and Wintermute at all till the second shot. I don't know who fired it. I cannot tell from the sort of blaze I saw, which way the pistol was fired; the second and third were fired as quick as that" (claps hands twice as quick as possible).

Question. Were there four shots in the room of the same sound?

Answer. Yes.

Question. Testifying as an expert, did they all come from the same pistol?

Answer. Yes, I don't doubt it.

Question. Then why do you doubt that one man could have fired all?

Answer. He must have had a self cocker, or used his thumb very, very fast.

Question. Is that your opinion as an expert?

Answer. Yes.

Question. What difference between a pistol fired in the room and one fired from the hall into the room?

Answer. The one fired in the room would be the sharper. I have experimented on that while practising. I was in the army.

Question. Did you practise sounds in camp?

Answer. No, sir, I am no expert.

Question. Then your opinion as to sounds is no better than any other person's?

Answer. I don't think it should be.

Question. Did you swear before the grand jury that Wintermute fired the first and second shots?

Answer. I believe I did.

Question. Did Wintermute say he fired the first and second shots?

Answer. Yes.

Question. Did you see no pistol at all?

Answer. No.

Question. Did you see hands held up, that seemed to be struggling for something?

Answer. Yes.

Question. Did you see no pistol then?

Answer. No.

Re-direct. When Waldron asked who fired the first shot, Wintermute said he did.

Silas C. F. Norman testified: "I came in while Brookings was making a speech. The first I noticed, Wintermute stood up; next the report of two pistols, spat, spat. I saw the flash of the one Wintermute fired, but not of the other. I think Wintermute's shot was first, but am not positive. I didn't see McCook till six feet inside the room with Rossteuscher. When McCook reached Wintermute he crushed him down to the floor just as you would crack a bedbug. I heard one or two shots after they fell. I saw a revolver pointed towards me; thought it was in McCook's hand; it might have been a wooden imitation of a revolver. Two shots were fired after, but can't tell who fired them."

Question. How many shots did you hear in all?

Answer. Five, possibly. I believe sir, honestly six. I stood back and didn't interfere. Heard a crash at the window. Two men took McCook out, and Wintermute said, if any one wanted to arrest him to do so; Rossteuscher arrested him, I think. Heard McCook say while being led out, 'They have have disarmed me.' Before the meeting heard McCook say at the foot of the stairs, that Wintermute had been running since noon to get enough men to run the meeting. I saw McCook as he rushed into the room; thought I saw a revolver in his hand above his head, but wouldn't swear to it. It looked like one but might have been an imitation, four to six inches long." (Describes effects of Wintermute's previous whipping.)

Cross-examined: Was Wintermute saturated with blood from his whipping?

Answer. He was pretty bloody.

Question. Very bloody, as you told Mr. Swett?

Answer. I never saw a man's face worse pounded. I was in the room from first to last, near that block nailed on the wall. Forget whether sitting or standing at the time of first shot. I did not come in with Wintermute; he came here before me. It was from thirty to forty minutes from the time Wintermute first came in with face beaten, till he fired the first shot.

Question. I understood you to say that Wintermute fired the two shots that were fired one right after the other.

Answer. Yes, I did. Thought Wintermute fired the first; not positive. He fired it toward the door.

Question. Please stand up and imitate his movements.

Answer. (The witness does so, and says): Wintermute was very drunk. I saw him stand up; I then looked at Spink, and heard two shots; turning round, saw flash from Wintermute's pistol, but not from the other. One sounded outside the door. Wintermute fired toward the door or the ceiling. There were many people between me and these two. I didn't see Meyer. English Pete was next to me. Think two shots were fired just as McCook laid hands on Wintermute. There were six shots fired in this room I think.

Question. That makes four shots you recollect being fired.

Answer. Five, or six, sir.

Question. If Wintermute first fired a shot toward the door, and instantly, you heard another, and then when McCook came up to him two more were fired, is that right?

Answer. I never testified to any such thing.

Question. What then?

Answer. I heard two at the door, the third when I thought I saw something in McCook's hand that looked like a pistol.

Question. Who fired that?

Answer. I will swear positively Wintermute fired the third. He stood facing McCook but don't know as he shot him then. Saw no blood on McCook till after all was over. The fourth shot was when they went to the floor. Don't know who became of McCook's pistol; reckon he handed it to some friend. Next I saw of it after the first time, was in McCook's hand after "English Pete" was holding up his hand and trying to get it. I never saw any flash from it, but he might have fired it two or three times. I heard the fifth shot and saw the flash. I believe there was a sixth shot but cannot swear to it. The pistol I saw in McCook's hand was about the size of this in court. I knew it was McCook that made the remark in the passage about Wintermute because it was his voice. I drank a glass of ale and two of beer before I came up.

Question. Did you tell the barkeeper that you had drank twenty nine glasses of beer that day?

Answer. If I did I wasn't under oath—I was not under the influence of liquor at all.

M. M. Matthiesen, testified: "I sat between the stove and south wall, Wintermute being two chairs back of me. His face was very much swollen and somewhat marked. I saw the flash and heard the report of the first shot. It was back of me, perhaps in the hall. I jumped up, looked round, and Wintermute was standing by his chair with his back toward me, McCook and Rossteuscher were near him. Saw nothing in Wintermute's hands. Heard a sort of double shot, pat, pat, and saw flash. McCook came to him and Wintermute fell down on the side of the stove, McCook on top of him. Wintermute then turned the pistol so that it was close to his breast and fired. There was no flash, just a report and smoke. I saw what I have described. I heard two shots after that."

Cross examined: "I came alone to the meeting while Brookings was speaking. When I first saw McCook he was close to Wintermute. Think I saw his hands, couldn't tell if there was anything in them. Think McCook laid hands on Wintermute just as the second shot was fired. This double shot was before they got back by the stove. The flash was about breast high. Heard no bullets whistle. The blaze seemed to come this way. The second shot did not sound like the first. Wintermute backed to the stove; McCook followed up, and they fell together. Heard nothing said by them. The third shot was the first I saw fired. Wintermute fired it. I never have said it was a good thing McCook was killed."

Peter Hackney (English Pete) testified: "Reside in Rushford, Wisconsin. Lived in Yankton County three years and four months. Was here at the trouble, sat at right of the stove. The first shot sounded toward the door. I looked round and saw McCook walking into the room to where Wintermute was standing. When about three feet apart two pistols were fired. I saw one in McCook's hand, and saw the flash of both. I got to McCook as soon as I could, after they had gone down by the stove. I took hold of both McCook's hands. He wrenched the pistol away, firing it up in the ceiling, and then there, and I caught hold of him again with my right hand on the pistol. Then he fired again, and shot me in the right hand. I called for assistance. Sam Smith came and I delivered McCook to them. I took part of bullet out of my hand last March. I took hold of his hand and pistol both. I only saw McCook's pistol. Five shots were fired. I showed my hand to John Bates, Edgar, Spink, Treadway, and lots of others."

Cross examined: "I am the one called English Pete. Was working as a carpenter on stores on Broadway. Didn't work the first day after this occurred, but two or three days after I worked hewing plank with an ax. I took the lead out myself, last March, in Wisconsin. It had healed up where it went in; it gathered and mattered in another place, and I took out this piece of a ball. It hurt me all the time it was in there. Started a sore not yet healed, where he took it out. I used a rubber bulb. The ball healed some way between the two wounds. When first shot was fired Wintermute stood by the stove. Men were sitting between him and me. I don't know whether all the shots were fired in the room. When McCook came up near Wintermute, I gathered them close. I noticed Wintermute's conduct and manner, but could not see the flash or the smoke. Don't know that he had any pistol, but it appeared to me that the flash came from where he was standing."

Question. Is it your impression it came from the stove?

Answer. I don't know where it came from. I saw men standing close together. That was after the firing of the first shot. When Wintermute came down by the stove, he made no motion toward the door. McCook came into the room, when I took one pistol in his hand. Saw none till he got near the stove. The pistol he used had a small hole in the one McCook had. I saw no pistol in Wintermute's hands. When I came round to

wrest the pistol from McCook, Wintermute was lying on the floor. I'm sure I don't know how he got there.

Question—McCook wasn't within three feet of Wintermute when the second shot was fired, is that true?

Answer. Yes.

Question. Then McCook was not the cause of his going to the floor, was he?

Answer. I don't know.

Question. Did McCook put Wintermute to the floor.

Answer. I don't know.

Question. You say you kept your eye on McCook from the time he came in till they got together.

Answer. Yes, sir.

Question. Tell me then whether McCook put Wintermute to the floor or not.

Answer. I cannot say; they got behind the stove. I saw the pistol in McCook's hand before Wintermute went to the floor, and to the best of my recollection he pointed it at Wintermute. The second shot was instantly followed by a third. I had hold of McCook when the fourth shot came. General McCook fired it. I presume McCook did not fire the second, but did the third, fourth and fifth. The fifth put this lead in my hand. I don't know who fired the first. The second came from the place Wintermute occupied. (Witness was asked if he had said that night to certain persons that he would help hang Wintermute; also that he got his hand hurt from wresting the pistol from Wintermute's hand; all of which he denied.)

H. C. Ash testified. "I was present at the homicide. Sat four or five feet from the stove. Wintermute sat four or five feet from me. He came and spoke to me before he went to the saloon.

Question. What did he say?

Objected to, argued, and objection overruled by court.

He asked if I had any money. I told him I had a little. He said he wanted a cigar. I told him to walk down with me and we'd take a cigar. He was quiet and pleasant in manner as a man could be. We went into the saloon; were together side by side, all the way to the door. Did not meet McCook on the way.

Question. Was there any conversation between Wintermute and McCook in any respect like the following: "General McCook will you let me have a cigar?" "I have none." "Let me have the money to buy one, — you."

Answer. There was no such thing said. I stopped at the billiard table; Wintermute walked to the bar, and McCook entered and walked there too. McCook spoke to Wintermute first; I didn't hear what he said. Heard Wintermute say: "McCook, you are a bigger man than I am; if you lick me I'll shoot you." McCook then knocked him against the wall, breaking a picture, and pounded him on the floor with his fist fifteen or twenty times. Didn't see him kick him, but kicked at him when pulled off. McCook then went out doors. Wintermute was very badly pounded up. I have lived in Sioux City and here since '56, but never saw a man so badly beaten with fists. McCook did not have a scratch. They were men of about one hundred and thirty-five pounds and two hundred pounds. McCook was about six feet tall. Don't think Wintermute struck a blow. After washing, Wintermute went upstairs to the meeting. I sat here and heard the first shot, which sounded as if down on the stairway, or outside. In the saloon I think I heard all that was said. I was twenty feet away at first. Nothing was said by Wintermute about whipping McCook, and he called him no ugly names that I heard. Wintermute was excited when he got up and told the meeting he had been hurt; seemed wild. The first thing that really disturbed me was the two men coming together by the stove. The first shot out doors or in the hall, did not disturb me. Wintermute had not, to my knowledge, been toward the door. The second shot roused me, and I looked around. They went down and a general tumble and shooting began. Think there were three shots inside the room. The meeting was called to try to harmonize the people and the railroad company, about \$200,000. (Objection.) One side claimed the company should withdraw the suit on the bond question, to prevent mortgaging the road. It was a warm spirited meeting; saw no signs of violence. They spoke as is usual in western meetings.

Cross-examined: "Nothing in the meeting had indicated riot or bloodshed. To the best of my judgment four shots were all there were. Don't know as I could distinguish by sound a shot fired out through the door from one fired in from outside. Think the first was outside. It is a certainty in my mind. Don't know as I heard two in very quick success. I didn't see what Wintermute was doing while standing up; many were skedaddling then. I saw them both when the second shot was fired. McCook was pressing forward to Wintermute. Cannot say as to his hands; saw no pistol; but only heard report. Think third and fourth shots were fired while on the floor. There must have been twenty-five men around them; a jam so I could not see. In the saloon, I did not hear Wintermute say what was testified to, of his being mad at McCook, nor of asking McCook for a cigar. Don't think it could have been said there without my hearing. Didn't see Ziebach step between and try to reconcile them. I remained by the billiard table. Wintermute did not shake his finger in McCook's face with insulting words. Did not see Bancroft there. Saw Wintermute washed up; but don't remember that Bancroft washed

him. I used to take some drinks daily. Was then but little under the influence of liquor if at all. Drank beer before I went there. I think my present condition is due to the shooting.

Abraham Adler testified: "I saw General McCook inside the room on the night of the meeting, in the northeast corner. He stood there when Wintermute offered a resolution in the meeting. Heard nothing said by McCook. He came to the front stage, turned toward the shoulder, and said, 'P. C. be on hand; you will see some fun.' This was while Wintermute spoke. Wintermute went out soon; Conway soon followed, and so did I. I entered the saloon and heard Wintermute say, 'General McCook is in a tight place; then I shot and can whip me, but if you do I will shoot you.' McCook said: 'You'll shoot me,' and struck him on the back of his head. (Here describes the whipping and washing up.) Didn't hear Wintermute call McCook a dirty puppy, or threaten to whip him. Don't think Wintermute was gone from the meeting more than ten minutes. I went back soon.

A. J. Sweetser testified: "After the shooting Wintermute was taken to my hotel. I saw him the second day after. His left hip was bruised, and black and blue, and his right arm as my hand. I was at the railroad meeting. I heard the first shot outside, and heard the bullet whistle past myself, Burleigh and General Tripp. We all spoke of it at the time. I judge six or seven shots were fired in all. Saw Wintermute kicked by General McCook."

Cross-examined: "The bullet came this way. (Here never looked for the place it struck. From the sound I am satisfied it was fired from outside the door.) I saw no person fire a shot that evening. Couldn't swear whether the first and second shots were similar in sound or not. It was impossible to locate all the shots, but there were six I think."

Erick Iverson testified: "I was at the railroad meeting. The first I knew of the trouble, I heard a shot. I sat near the stove on the left. Turned round and Wintermute was standing about three paces behind. Think he was there when shot was fired. There was no smell of smoke to show he had fired it. When I heard it I heard a noise of chairs as if somebody was getting up. It was just behind me where Wintermute sat. Saw Burleigh and McCook come up to Wintermute. McCook had both hands raised. McCook told him by the shoulders. They were in the act of going down when I saw the flash of a pistol in Wintermute's hands. It was very close to McCook's breast. I went out of the room."

Cross-examined: "Did not see who fired the first time. Wintermute was then sitting down by the aisle. The second shot was the one I saw fired at McCook's breast. I saw no pistol in McCook's hands. He had hands on Wintermute before that second shot. (Witness and counsel go out in stairway and examine bullet marks.) I think a ball from either Wintermute stood when first shot was fired, could not have struck there; would have hit the door post."

J. R. Gamble testified: "I found a chair in this room with a bullet hole in it, on the edge of the seat; the ball had fallen out, being not deeply imbedded. The chair shown in court was not the same chair. Found the chair at the October term of court and examined it carefully. Have looked for that chair since in the room. Think I told some one that there was the mark of one of the bullets in the McCook affair. When I saw this other chair exhibited I told Mr. Burdick it was not the same one."

Cross-examined: "I only casually remarked to some man in October about the chair. The ball had gone in about as deep as its own size, and had dropped out. I am familiar with bullet holes. It couldn't have been anything else."

Newton Edmunds testified: "Resided here since 1864. Was president of the railroad meeting. Doctor Burleigh was making a violent speech; much feeling aroused. Mr. Spink was called on to reply. Persons were about the room somewhat in a rowdy manner, more noise than the rest. The feeling grew more intense. I thought the first shot was fired in the room; from its difference from the other shots thought it was entirely not done. The shooting was over before I left the room."

Cross-examined. Describes conduct of the meeting and says he saw nothing indicating riot or bloodshed before the shooting. Don't recollect Wintermute asking if this was a rowdy meeting. He said he rose to a point of order and I asked him to sit down. He said he had been whipped, etc., think I told him his point of order was not well taken and asked him to sit down.

W. M. Edmunds testified: "I am a son of Newton Edmunds, the preceding witness. Was standing in main door of this room at left side. General McCook and Burleigh were standing in the door with me and others behind. A powder horn fell upon the ground. It was very close to me. I felt the burn of the powder on my face. Don't know when Wintermute was at the time. Saw no one between me and the door. It was much closer to me for ten or twelve feet. I don't know who fired the shot. When the shot came near my face I stepped into the passage, and did not go back until it was all over."

Cross-examined: "I was leaning on the left door casing as we now find it. General McCook in opposite side, but a little more outside."

Question. Did you feel the force of the shot I shot going by you, or did you possibly inhale the fumes of the powder?

Answer. The powder flamed in my face.

Question. Did General McCook fire it?

Answer. I think not. Saw no one standing in front of me, behind. I think I saw one see; I got out of that as soon as I heard the shot. Didn't return until it was all over.

Monday, May 25th —John Treadway testified: The first shots sounded out in the hall or in the door. Looked and saw McCook and Rossteuscher advancing. There was no body in front of them. They came to the stove. Corroborates other witnesses as to the struggling.

Lucien W. Case testified: "I had Wintermute in custody as sheriff and was with him every day. There were marks on his face as long as he remained, until October 13th."

William Leeper testified: I am city marshal. Testified same as case regarding Wintermute's injuries.

Dr. Robert I. Thomas testified: "Have resided here eight years and practiced medicine twenty-five years. Had charge of Wintermute for six or eight days as a patient, after September 11th. On Friday morning he was half conscious and stupid from an internal difficulty caused by external injuries. He had partial concussion or contusion of brain. (Gives particulars of his bruises.) I think he was in danger of inflammation of the brain. I was in this room the night of the homicide. A shot first attracted my attention. It sounded at a distance, either at the door or out of the room. Saw McCook when taken to his room; was there when undressed, and almost all the time until he died. Heard Burleigh tell him that he must die. He replied that he wasn't afraid to die. Could die like a man, but guessed he would not die. At 5 or half past 5, when Mr. White had been waiting on him and was about to leave, the general shook hands with him, saying: 'Good-night, when you get shot I will do for you as you have done for me.' When the general's clothes were first removed, the blood was slopping over, and we placed ice on the wound to check the flow. There was very little hemorrhage after I saw him or during the night. It was brought on again by coughing, after White left; also by vomiting. There was no reaction. Two or three hours after being placed on the bed there was more pulse and more cheerful prospects. I had hopes of his recovery while with him. Told him everything depended on quietness. Can only conjecture as to what blood vessels were cut; my opinion is that the sub-clavian vein was hit, but not the artery. Saw nothing looking like arterial blood. Had the artery been cut he would not have lived over five minutes. Saw no spurting of blood like an artery. In consultation that night, it was agreed that the vein was cut. I saw the post-mortem. His muscles were powerfully developed. The difference between him and Wintermute was that between a giant and pigmy. The chest was laid open, but developed nothing but the fact that there was no internal hemorrhage."

Cross-examined. Do I understand you that contusion and concussion of the brain are the same?

Answer. Contusion is a breaking of parts—live parts, and concussion is a disturbance of the functions of the brain. They mean the same as applied to the brain.

Question. Did you advise or aid physically in the post-mortem on General McCook's body?

Answer. I did not.

Question. What is the amount of blood in the body?

Answer. About one-fifth to one-sixth of the weight, or from twenty-eight to thirty pounds. I should think a loss of five or six pounds would cause death.

Question. Do you not think the body showed a loss of more than six or eight pounds?

Answer. Well, the body was bloodless, comparatively. I think the shot was the immediate cause of death; that the best treatment was given; and that nothing more could have been done, that would have saved his life. His death cannot be charged to mal-practice.

Direct examination resumed. Supposing the blows you saw on Wintermute on Friday, September 12th, to have been given at 8 or 9 o'clock P. M. on the 11th, and that the homicide occurred about an hour later, under these circumstances, what is your opinion as to whether the defendant would know what he would be doing within an hour afterward; not generally, but whether he knew what was right and wrong in regard to the crime of murder?

Answer. If his mental faculties were so disturbed by concussion as to result in this injury, I think he would not be able to discern between right and wrong.

Cross-examined. Suppose a man came to a public meeting, nominate a presiding officer, and after organized make a motion; that afterwards he should go out, get into a fight, and get a black eye, and blows on the head—that he returns to the meeting, raise a point of order, then sit down and remain twenty minutes; that while sitting he watched the door, and saw the man with whom he had the fight in the door, and seeing him he should get up, advance toward him and fire at him, should you think he could distinguish between right and wrong?

Answer. I should suppose that he might.

Dr. J. B. VanVelsor, Dr. D. F. Etter and Dr Franklin Wixson also testified as to the fatal character of the wound. Doctor Etter attended Wintermute while he was suffering from his injuries at the Merchants Hotel. Thought he had concussion of the brain. Was confined to his room from Friday until Monday.

Alexander Hughes, of Elk Point, testified to having called on Wintermute during his stay at the Merchants; but the latter did not recognize him, though he was accustomed to meet him daily during the sessions of the last Legislature.

An effort was now made by the prosecution to impeach the testimony of Peter Hackney, otherwise known as "English Pete," who had sworn that he saw a pistol in General McCook's hand during the struggle in the court room; that he made an effort to wrench it away from

McCook, and was severely wounded in the hand from a shot fired by McCook. Hackney had not been supported in his testimony by any of the witnesses who were present and saw the affray. His testimony was intended to support the claim that Wintermute acted in self-defense. Some twenty-five or thirty witnesses were called, who testified regarding what Hackney had said to them after the shooting, and also testified as to his reputation.

Wm. Treadway saw Pete's hand in the St. Charles saloon night after the homicide. It was bleeding and the wound looked like a tear.

A. M. English saw Pete in the court room after the affray. His hand was bloody and marked.

M. P. Ohlman saw Pete on the corner by the St. Charles, a half hour after the homicide; his hand was bleeding, but didn't know the cause.

Charles H. Greene testified that he saw Pete Hackney ten or twelve days after the shooting near Fred Schnauber's, and heard him say that when Wintermute was in the act of shooting he grabbed his hand, and that was what he had to show for it, at the same time showing his hand. He said it was Wintermute's hand he caught.

John O. Bates testified: I knew Peter Hackney by sight September 11th. Saw him in the saloon that night after the shooting exhibiting his hand. He said then that he was trying to take the revolver out of Wintermute's hand; and that McCook was also trying to get it. I put the question to him, "Did you see McCook have any revolver?" and he said, "No, only the one they were wrestling for." He also said he got his hand hurt by trying to take pistol from Wintermute's hand, when it went off. I said to Pete I thought the hurt was not caused by a ball. He said it was.

S. K. Felton testified: "I knew English Pete. Had a talk with him within a few minutes after the 11th of September, about his hand. He then said he got it hurt in trying to take the pistol from Wintermute."

Cross-examined: "That was at noon the day McCook died. Met him on the sidewalk. Asked him what ailed his hand, as it was done up. He said it was hurt a little; that General McCook had grasped Wintermute's wrist, and that he had grasped the pistol and it went off."

H. E. Tuttle testified: Was present in this room. Do not know Hackney. Saw a man that they call English Pete that night after McCook was taken out, exhibiting his hand and saying, "I was trying to take the pistol from Wintermute, and it went off and shot me in the hand." Some one asked him if McCook had a pistol, and he said "No."

Mile T. Woolley testified: I knew Peter Hackney at the time of the murder, and saw him in this room soon after the shooting. He and others were standing close to the stove and he said: "Master Woolley, see what I got," holding up his hand. "I had hold of the pistol trying to get it out of Wintermute's hand, and it went off and shot me through the hand." I took his hand and looked. He had a gash right through the fleshy part of it. On cross-examination witness said he had no personal feeling in this case.

J. G. Baumann testified: Was in the saloon and saw English Pete there after the killing; heard him say he got hurt. I asked him how he got hurt. (Objected to unless this is the same conversation related by Mr. Bates.) Do you remember seeing Mr. Bates in the saloon. I do not. (Counsel now obtained leave to recall Peter Hackney to lay the foundation for further questions.) Hackney stated that he did not make any such remarks in the St. Charles saloon, about taking the pistol from Wintermute's hand, in Baumann's presence, nor on the street, in Mr. Dedrich's presence; nor that if it had not been for him, McCook would have taken the pistol from Wintermute's hand and shot him.

Baumann resumed: Hackney told me in the saloon that night that he got his hand hurt trying to take the pistol from Wintermute.

James Dedrich testified: Knew Hackney and saw him the morning after the affray; examined his hand then, and he said he was down there and helped in the affray, and said, "I came near being shot myself, and here's what I got." Said that McCook was about to throw Wintermute down, take away his pistol, and would have shot him if it had not been for him (Hackney). He said the pistol was in Wintermute's hand, and he and McCook were trying to get it, when it went off and hit his hand. I examined his hand; nothing like a bullet in it, nor any hole; but a sort of a cut or scratch.

Doctor Burleigh recalled. I saw Wintermute in the room after he came up from the fight below.

Question. Did he have concussion of the brain then? (Objected to; finally allowed.)

Answer. At the time he rose to a point of order he was not feeling unwell, and at any time when I saw him.

Prosecution here rests the case.

For defense: A. M. English recalled, testified. Heard Hackney say he got the wound in his hand from a pistol in McCook's hand. Heard English and Mr. Dedrich say Wintermute's hand. Have known Hackney over three years. His name had good character. Could form no opinion whether good or bad.

Ed Iverson testified: "Heard Hackney's word on the corner. He said he got his hand hurt in taking the pistol away from McCook. I never heard of a man so questioned."

William Box testified: "Was present at the scene where the shooting took place. Hackney was he got his hand hurt taking the pistol from Wintermute's hand. I don't know what his reputation for veracity among the people." On cross-examination Mr. Box said, "I could not swear."

positively but that he may have said that he and McCook were both trying to get the pistol from Wintemute's hand."

E. S. Mosher, James Burke, J. Q. Johnson, John Lawrence, William Treadway, Silas C. F. Norman, Newton Edmunds, Geo. B. Hoffman, John G. Edgar, H. C. Ash, Fred Schnauber, Jacob Brauch, L. H. Elliott, J. Shaw Gregory, A. P. Hammon testified as to Hackney's reputation for truth and veracity, and while some of them had not known much of him lately, they generally swore that his reputation was good.

Defense here rest their case.

THE ARGUMENTS

At the conclusion of the taking of testimony, court adjourned until Thursday morning, the 28th, when it convened at 9 o'clock A. M.

Hon. Geo. H. Hand made the opening argument for the prosecution. He spoke two hours and twenty minutes.

He was followed in the afternoon by Hon. S. L. Spink, for the defense, who spoke one hour and forty minutes.

Court then adjourned until Friday morning, the 29th.

Friday morning, Hon. Philip K. Faulk, district attorney for Yankton County, addressed the jury, occupying two and a half hours.

Friday afternoon was occupied by Hon. G. C. Moody, for the defense, in an argument occupying three and a half hours.

On Saturday morning, Hon. Leonard Swett, the Chicago attorney, for the defense, took the floor and occupied the entire day, speaking in all seven and one-half hours. Swett's speech was interrupted at one time by applause, which was promptly checked by the court. Adjourned until Monday.

Monday morning, Hon. Jason B. Brown, of Wyoming, began the closing address for the prosecution. He occupied six hours Monday, and did not complete his argument, when court adjourned, reconvening at 9 o'clock Tuesday morning, when Mr. Brown again took up his argument. He concluded at 11 o'clock, occupying in all about eight hours. He was warmly complimented when he concluded.

THE CHARGE FROM THE JUDGE

Judge Shannon then delivered his charge to the jury, which was full, complete and impartial. The defense submitted a list of "instructions," which it requested the judge to include in his charge, ruling upon each in their numerical order. The thirteenth point of the "instructions," which is here given with the comments of the judge, will indicate the substance of the others, as nearly all laid stress upon the duty of McCook to have stepped one side when first attacked, and thus have avoided a conflict with the defendant:

The judge said:

The 13th point is, I think, substantially and clearly on the same subject. Here quotes: "13th Point. The jury are also instructed that under no circumstances is the taking of life excusable and justifiable, except from necessity, real or apparent, and if the jury believe from the evidence, that the defendant made a felonious assault upon the deceased, and the deceased was so situated that he knew he could evade the assault by stepping a few feet to one side of the jam of the door, then the law required him to make such retreat, and if instead of making such retreat, he chose to rush upon the defendant, and the defendant abandoned his assault; his rights of self-defense attached to him immediately upon such abandonment."

The Judge. "I have answered that. I have said already that if the jury find that at the public meeting on the evening of the 11th of September last, the defendant was the first mover and made a murderous assault upon the deceased by firing a pistol at him within close distance, and that immediately thereupon the deceased advanced unarmed for the purpose of resisting or preventing any further attempt upon his life, or for the purpose of disarming the defendant; such advance was not unlawful, and if, in the reasonable belief of the deceased, under such circumstances it was necessary so to advance to protect himself from a renewal of the felonious attack, it was not a duty imposed upon him by the law to retreat. I have stated under what circumstances the right of self-defense attaches. I suppose I had better read that over to make it plain. Here is what I have said in regard

to that: His right of self-defense attached immediately upon such abandonment, and he has the right to repel the assault as though he had not abandoned the original assault.

Whether he did so abandon his first assault is not a question of law; but one of fact, and the jury must determine that fact from all the evidence in the case. The first proposition in the case is material, not for the court but for the jury. I said this proposition admits on its face a first murderous assault by the defendant, and is negative, unless the jury find that the conduct of the defendant was so marked in the matter of time, place, matter and circumstance, as not only clearly to evince a withdrawal of the defendant in good faith from the conflict, but as also such as fairly to advise the deceased that his danger attached; and to make the conduct of the deceased thereafter the result of vengeance rather than measures taken to repel the original assault, or to prevent a further murderous assault, in which event it is a murder.

The jury is instructed that no particular act done or word spoken is necessary in order to constitute an abandonment of an assault. The question is simply one of fact, whether the defendant did or did not abandon it, and in determining whether the defendant did or did not in this case, abandon his assault, the jury will consider all the facts in the case. Subject to the law as I have laid it down in my first proposition, this is affirmed.

At 3 o'clock, P. M., the case was given to the jury and it retired to deliberate upon their verdict. The following day, at noon, the jury rendered their verdict. In response to the usual question as to whether the jury had agreed upon a verdict the foreman responded in the affirmative, and rose to hand it to the clerk, when the judge asked him: "Do you find the prisoner guilty or not guilty of the crime charged?" "Not guilty," was the reply. The judge took the written verdict, and told the foreman to read it aloud. The foreman read: "We, the jury, find the defendant not guilty of the crime of murder, but find him guilty of manslaughter in the first degree." The jury was then discharged with the thanks of the court for their faithful services.

The next proceeding was an application by the prisoner's counsel for a new trial, supported by affidavits from several persons, tending to show that the juror, H. G. Derby, was disqualified by reason of previously expressed opinions. The judge denied the application under advisement.

On the 1st of July, 1874, at a special session of the court, the judge overruled the application for a new trial, giving his reasons at length, and proceeded to pronounce sentence upon the defendant, Wintermute, first inquiring: "Has the defendant any other legal cause to utter why the judgment of law should not be declared." There was no reply, when the judge said to the defendant:

Peter P. Wintermute, stand up. You were indicted for the crime of murder. The jury sworn to try that indictment on the plea of not guilty, came into court on June 24 and declared you not guilty of murder but guilty of manslaughter in the first degree. I have heard counsel on motion for new trial and arrest of judgment. You have heard the verdict. You are now asked if you have anything further to urge. You have not. It is needless for me to say to a person of your intelligence what the law demands of you. I only say, looking to God for approval, that I have sought to give a fair trial. If I have erred, you have the Supreme Court for appeal. I could sentence you to be imprisoned for the rest of your life, but my purpose is to be as merciful to you as in my opinion is consistent with justice and the law. This verdict shows you to have been the instrument of sending out of existence, a fellow creature, a neighbor. Human life, God given, is, and must be held sacred. Society is aggregated for the protection of life, liberty and property. It is a good thing to take human life. He is dead and gone. You sent his spirit suddenly to the judgment seat of God. Punishment is intended for the prevention of crime, and incidentally also intended for reformation. The latter is allowed for you.

You have been found guilty of the manslaughter of Edwin S. McCook, and it has been considered and adjudged by this court, and the sentence of the court is that you, Peter P. Wintermute, be imprisoned in the state prison or penitentiary of the State of Iowa, located at Fort Madison in said state, for and during the term of ten years, there to be fed, clothed and kept according to the laws and rules, regulating the said penitentiary, and that you shall so continue therein, you shall be exclusively under the control of the warden or other person having charge of said prison, and that you shall remain until the sentence expires, or until death.

Court then adjourned and Wintermute was returned to jail.

The Supreme Court of the territory convened at Yankton on the 24th of July, 1874, and among the first proceedings was an application by the counsel for

Peter P. Wintermute, for a stay of the sentence pronounced upon him, until his case, upon the writ of error, could be argued and finally decided by the Supreme Court. Coupled with the motion was an application for a writ of habeas corpus, to bring the prisoner before the court in order that he might be released from jail upon bail, until the final disposition of the writ of error.

The court granted the habeas corpus, and the prisoner was shortly after brought into court where the arguments upon the motion were heard. On the following day the court granted the suspension of the sentence as asked for; but held over for advisement the request for admission to bail. On the 13th, the court unanimously decided that the motion to admit to bail was denied. And it was denied without prejudice, however, to any rights he may hereafter have, and the prisoner was remanded to jail, there to remain until further lawful orders. The court appointed Friday, July 17th, for a hearing upon the writ of error.

The arguments in support of the writ were duly made at the time appointed by the court, and were substantially the same as those presented before the District Court in the bill of exceptions heard by Judge Shannon, and decided adversely, and were taken under consideration by the court. Nothing further was done at this term and the defendant, Wintermute, remained in confinement at Yankton until the meeting of the Supreme Court in January, 1875, when on the 30th of said month, the following proceedings were had ordering an arrest of judgment, reversing the judgment of conviction, and admitting Wintermute to bail in the sum of \$20,000, to answer any new indictments that may be found against him in the District Court of Yankton County:

IN SUPREME COURT

The defendant in this action, having been convicted of manslaughter in the first degree at the April term in the Yankton County District Court in the year A. D. 1874, a writ of error having been duly sworn out by the defendant, by which said action and all proceedings therein were removed from said District Court to this court, and a motion in arrest of judgment having been duly made and entered herein, and after hearing counsel for prosecution and defense, it is now hereby ordered, adjudged and determined that said judgment of Peter P. Wintermute, of manslaughter aforesaid, be arrested and reversed;

And it is further ordered that said defendant be discharged from his said arrest upon said judgment and conviction; and it is further ordered that said defendant be and he is hereby ordered into the custody of the sheriff of the County of Yankton, to be held by him to answer any new indictments which may be found against him, said Wintermute, in the premises, by the grand jury of said county.

By the court.

Now comes the said Peter P. Wintermute, in open court, in person and by counsel, and the judgment of this cause having been arrested by order of the Supreme Court; and the said Peter P. Wintermute being by said court ordered remanded to the custody of the sheriff of Yankton County, having now applied to said court for an order admitting him to bail for his appearance at the next term of the District Court in and for the County of Yankton, to answer to any indictment that may be found against him, the said Peter P. Wintermute, and bases this his application upon and refers this court to the record and proceedings herein:

Signed. Leonard Swett and others, counsel for said Peter P. Wintermute, January 30, 1875.

The within motion having been, this 30th day of January, 1875, argued by the counsel of the respective parties, it is hereby ordered and adjudged that the said Peter P. Wintermute be admitted to bail. Done in open court; and it is hereby ordered that the amount of said bail be and it is hereby fixed at the sum of \$20,000; that the sureties justify in accordance with law; and that if this order is not complied with during this term of court, the sufficing of the bond and the sureties therein, be approved by the judge of the Second Judicial District as was taken at a term of court this 30th day of January, 1875.

By the court.

The Supreme Court adjourned without day on the evening of the 30th of January, 1875.

BENNETT SUCCEEDS KIDDER

Judge Kidder resigned his judicial office shortly after the adjournment of the Supreme Court in order to prepare for his congressional duties which began on

the 4th of March; and Granville G. Bennett, of Grinnell, Iowa, was appointed his successor.

At the April term, 1875, of the Second Judicial District Court, held at Yankton, beginning about April 20th, Judge Shannon, the presiding judge had occasion to be absent for a brief time and called on Judge Bennett to preside during his absence. The Wintermute case came up among the first to engage Judge Bennett's attention. The Supreme Court having abrogated the former trial and verdict, and ordered a new trial for defendant Wintermute, the case came on before the District Court on the 29th of April.

A change in the counsel for the prosecution had taken place since the former trial in 1874. John R. Gamble having been elected district attorney of Yankton County, and therefore appeared as counsel for the prosecution in place of Phil K. Faulk, former district attorney. Millard A. Baker had also succeeded L. W. Case as sheriff. The counsel for the prosecution was made up of District Attorney Gamble, and Jason Brown, of Wyoming; while the defense was represented by Moody & Cramer, Bartlett Tripp and S. A. Bentley.

The first step in the proceedings was a challenge of the panel of the grand jury by the counsel for the defendant Wintermute on the ground that no notice had been given of the drawing of the grand jury. District Attorney Gamble replied that no notice but the order of the judge was necessary, and the law of 1875 made no change in the law of 1867-68 in that respect. The court ruled that the officers in drawing the jury were presumed to have acted in accordance with the requirements of the law, and overruled the challenge, to which the defendant excepted.

The members of the grand jury were then subjected to a rigid examination regarding their qualifications.

District Attorney Gamble challenged M. P. Ohlman, under the seventh subdivision of the causes enumerated in code of criminal procedure for interposing a challenge to an individual grand juror, which reads as follows:

That a state of mind exists on his part in reference to the case, or to either party, which will prevent him from acting impartially and without prejudice to the substantial rights of the party challenging; but no person shall be disqualified as a juror by reason of having formed or expressed an opinion on the matter or cause to be submitted to such jury, founded upon public rumor, statements in public journals, or common notoriety, provided it satisfactorily appear to the court upon his declaration under oath, or otherwise, that he can and will, notwithstanding such opinion, act impartially and fairly upon the matters to be submitted to him.

Mr. Ohlman, upon being examined stated that he had formed and expressed an opinion in regard to the guilt or innocence of the accused; had talked with persons who had witnessed the shooting of McCook by Wintermute, and believed their statements; had formed an opinion several times and had changed it again; is one of the bondsmen of defendant; has no opinion at this time in regard to the guilt or innocence of the accused; and states upon oath that he can and will act impartially in the consideration of this case. Challenge not allowed.

George B. Hoffman was challenged for same cause. Had formed and expressed an opinion; is one of the bondsmen of Wintermute; has twice been bondsmen for Wintermute in this case; has today an opinion as to the guilt or innocence of the accused. Is very little acquainted with Wintermute; has formed his opinion from what he has heard; his opinion would not prevent his acting impartially.

Examined by the Court.—He has such an opinion as would require evidence to change it, but can and will act impartially. His opinion was formed from rumors and newspapers; has never talked with defendant. Challenge not allowed. R. N. Ervin same as Hoffman. Challenge not allowed.

Defendant's counsel challenged Michael McLean. He was not present at the shooting of McCook; has formed and expressed an opinion, has talked with different parties in regard to the affair, was not present at the present trial.

of Wintermute, but has conversed with persons who were witnesses on the trial; listened to the argument of Leonard Swett, counsel for defendant at previous trial. On cross examination Mr. McLean was asked whether he could and would notwithstanding the opinion he had formed act impartially and fairly upon the matters to be submitted to him. To this question Mr. Moody objected on the ground that the opinion formed by the juror was not "founded upon public rumor, statements in public journals, or common notoriety." The objection was overruled, to which Mr. Moody excepted. Mr. McLean then answered that he could and would act impartially, and without prejudice to the rights of the accused. Challenge not allowed. Thomas N. Bray was next challenged on the ground of prejudice and after examination the challenge was allowed. C. E. Brooks was then sworn and examined. Mr. Brooks was accepted which completed the jury. Mr. H. B. Wynn, of the jury, then arose and inquired of the court what case was to be brought before the grand jury first. No answer being returned to this question, Mr. Wynn remarked that if it was the Wintermute case, he desired to be excused. No reply was made to Mr. Wynn's question or remark. Judge Bennett then asked Mr. Wynn to arise, and administered to him the oath prescribed by law for the foreman of a grand jury. The members of the grand jury were: Samuel VanOsdel, M. P. Ohlman, Peter W. Johnson, Geo. B. Hoffman, H. B. Wynn, Geo. Kimber, R. N. Erwin, Michael Stokes, John Moore, E. C. Walton, O. A. Ogstadt, C. A. Marshall, C. E. Brooks, W. H. Sheldon, Michael McLean, and E. Seegarrd.

The judge then delivered a brief charge to the jury, covering the object of grand juries, their duties, the importance to the cause of justice that these duties be faithfully performed, the dependence of the court upon the grand jury, and various reminders of their specific duties, also had read to the jury the law defining the powers and duties of grand juries; but made no allusion whatever to any particular case. It was a very able charge on general principles. The jury then retired.

On the 8th of May the jury returned into court and presented an indictment against Peter P. Wintermute, charging him with the murder of Edwin S. McCook on the night of September 12, 1873, whereupon District Attorney Gamble moved the court that said Wintermute be forthwith arraigned.

Defendant's counsel here produced a statement from Dr. R. I. Thomas, Wintermute's physician, averring that the illness of the defendant rendered it impossible for him to appear in court. It was stated that the bond of the defendant who had been admitted to bail under the order of the Supreme Court, held him to answer the indictment. The matter rested until the 8th of June following. In the meantime Judge Shannon had returned and resumed his place as presiding judge. And on the 8th of June Wintermute was arraigned on the charge of murder, and on motion of his attorneys the case was continued until the 10th, when Wintermute appeared in person and by counsel, and moved that the charge against him be dismissed on the ground that he had been once placed in jeopardy by a former trial and acquitted, and could not be tried again for the same offense.

The court, Judge Shannon presiding, refused to grant the motion.

CHANGE OF VENUE

Thereupon Wintermute moved for a change of venue to another county on the ground that he could not obtain a fair trial in Yankton County. The judge, after the reading of the affidavits of Erick Iverson, Newton Edmunds, Jacob Brauch, O. H. Platt, Fred Schnauber, L. W. Case, William Leeper, Bartlett Tripp, S. H. Bentley, and G. C. Moody, which affidavits supported the motion for a change of venue for the reason mentioned, and after argument, the court granted the motion, and remanded the case to the First Judicial District, commonly called the Vermillion District. Granville G. Bennett, was now the judge of this district, Judge Kidder having resigned to take his seat in Congress as delegate. The time of the trial was set for August 1, 1875.

THE TRIAL AT VERMILION

This second trial was called August 19, 1875, before Judge Bennett at Vermillion. District Attorney Gamble, of Yankton, and Hon. Jason Brown, of Wyoming, appeared for the prosecution; and Moody & Cramer, Bartlett Tripp, and S. A. Bentley, for the defendant. Wintermute was transferred from the custody of the Yankton County sheriff to the authorities of Clay County.

At the opening of court, Colonel Moody, for the defense, made an able argument on his motion to discharge the defendant on the ground that he had been acquitted of the charge of murder on the former trial. He was answered by the counsel for the prosecution, and on the following day the court overruled the plea of acquittal, and set the trial for Monday, August 30th.

Court convened Monday morning, the 30th, and the selection of the trial jury immediately entered upon. Three days were consumed and 108 talesmen summoned and examined, before the jury of twelve men was finally selected and seated in the jury box. Their names, occupation and nativity are here given: Frank Dennison, farmer, Vermont; Ole Highland, farmer, Norway; Charles Chaussee, farmer, Canada; Ole Byronson, farmer, Norway; Jessee Shriner, farmer, Iowa; Ezra Harrington, farmer, native American; David Powell, farmer, native; J. D. Tucker, farmer, native; Scott Wright, farmer, native; Richard Odell, farmer, native; Bernard Burke, farmer, —; G. W. Woodruff, —, native American.

The taking of testimony was begun on the 2d day of September, the witnesses being the same persons and their testimony substantially the same as that given on the former trial before Judge Shannon, at Yankton, to which the reader is referred. The names of the witnesses testifying for the prosecution were J. A. Kent, M. T. Woolley, J. O. Bates, Wm. M. Powers, H. Thwing, F. M. Ziebach, Dr. W. A. Burleigh, Doctor Miller, A. F. Hayward, C. F. Rossteuscher, C. L. Bancroft, Dr. D. F. Etter, J. Shaw Gregory, D. T. Bramble, W. P. Dewey, E. H. VanAntwerp, G. P. Waldron, William Cowan, Mrs. Bayless, Mrs. Oscar Whitney, and Mrs. Lorraine McCook, widow of Edwin S. McCook. The prosecution rested on the 5th, when the defense took the case, and called as witnesses, Newton Edmunds, A. J. Sweetser, John Lawrence, A. Adler, William Leeper, L. W. Case, Peter Hackney, M. M. Matthiesen, A. M. English, William Tripp, J. R. Gamble, Doctor Burdick, of Vermillion. The defense rested on the 8th. No new facts of importance had been elicited. The arguments of counsel followed. By Gamble and Jason Brown for the prosecution, and by Bentley, Moody, and Bartlett Tripp for the defense. The judge's charge followed.

The case was given to the jury on the 10th, and after deliberating seven hours, returned into court with a verdict of "not guilty." On the first ballot the jury stood nine for acquittal and three for conviction; on the second, eleven for acquittal and one for conviction; the third ballot showed a unanimous vote for acquittal. The verdict was severely criticized by a large proportion of the Dakota communities, and characterized as scandalous by the leading newspapers of the country, the prominence of the principals making it a case of national interest. Wintermute was discharged, went to Yankton, and two days later departed for Chicago with his family. He did not return to Yankton. It was understood that his long confinement had seriously impaired his health, and the expense of the long litigation had wrecked his fortune.

The following brief news item in the press dispatches of 1877, told that the earthly career of Mr. Wintermute had terminated, and quite probably from disease contracted during his long trial and the anxiety that accompanied it:

FRANK P. WINTERMUTE, who shot and killed General Thomas, of N. Y., some years ago, died of consumption at his father's home in Dakota, about 10 miles from Vermillion, on Sunday last. (January 27th.)

INDUSTRIAL CIVILIZATION OF THE INDIANS

CHAPTER LIX

INSTITUTING THE SIOUX INDIAN PEACE POLICY

1854-1871

A STATEMENT OF THE PEACE POLICY—THE SIOUX FROM 1854 TO 1868—PEACE TREATIES OF 1865 AND 1866—MILITARY CLAIM PRIORITY IN TREATY MAKING—THE ONKPAHPAH TREATY AN INDEX TO MANY—GENERAL SULLY AND COMMISSIONER PARKER—GENERAL SHERMAN PROCLAIMS THE INDIAN WAR ENDED—THE ARGUMENT, PRO AND CON, FOR THE CONTROL OF THE INDIANS—TEXT OF SHERMAN TREATY OF 1868—THE INDUSTRIAL PEACE POLICY UNDER PRESIDENT GRANT—CHURCH DENOMINATIONS FURNISH INDIAN AGENTS—CONGRESS TO OPPOSE FURTHER TREATIES WITH INDIANS AS A FOREIGN NATION—SHERMAN TREATY GAVE INDIANS TOO MUCH DISCRETION IN CHOOSING BETWEEN WORK AND HUNTING—THE SIOUX IN 1870 AND 1871—STANLEY'S REPORT.

The position of the United States Government in its attitude toward the various Indian tribes within its borders had been the same until a comparatively recent period, that had been held towards them by the foreign governments from whom the United States received its sovereignty over the soil of the country.

It was a principle established many centuries ago by civilized nations that discovery of a country conferred the right of sovereignty upon the country under whose authority the discovery was made; and further, that the discoverer was entitled to the exclusive right of acquiring the soil from the natives, who were conceded to be the rightful occupants, with a just claim to retain possession until they saw proper to part with it; but this they were not permitted to do except to the sovereign of the country.

It was furthermore established that they could part with it only to those who claimed sovereignty by right of discovery or to their rightful successors. Thus far were the rights of the natives as owners of the soil restricted; they could not sell or convey to any power, or its citizens, except the power that possessed the sovereignty of their country at the time. The policy of the British government in treating its Indian subjects in America was the same as that pursued by the United States after acquiring sovereignty of the country east of the Mississippi from that power.

By the treaty with Great Britain, at the close of the Revolutionary war, the United States succeeded to the sovereignty of the country east of the Mississippi River; and by the Purchase of Louisiana from France, it succeeded to the sovereignty of France west of the Mississippi, which had recently been acquired by that country from Spain. The last named sovereignty had made treaties of cession with its Indian subjects, and in order to protect these treaty rights and

grants, France inserted the following clause in the treaty with this Government by which Louisiana was transferred:

The United States promise to exclude such treaties, and all other treaties, as were agreed between Spain and the Tribes and Nations of Indians until, by mutual consent of the said Tribes and Nations, other articles may have been agreed upon.

And it will be observed that in the effort of Dakota, extending over a period of seven years, to secure statehood, the treaties with France and others were appealed to as authority in establishing the solemn agreement of our Government to confer statehood upon the inhabitants of the ceded domain when they came forward with certain and lawful qualifications and demanded it.

This policy of making treaties with the Indians for cessions of the territory occupied by them was pursued by our Government until the year 1871, about eighty-seven years, when Congress enacted that "thereafter no Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power, with whom the United States may contract by treaty."

Up to 1868, the year of the Laramie treaty, known as the Sherman treaty with the Sioux, the greater portion of the lands embraced within the territories of the United States, had been ceded by treaties that had been ratified by the Senate. It is presumed that the treaties made with the Sioux in 1865 and 1866 were so ratified. None of these, however, were treaties that ceded the land. The Laramie treaty, above referred to, embraced the principal features of those treaties, and supplanted all that had been made with the individual tribes by the Edmunds commission of 1865-66. While its legality was denied by the United States courts when it came to be tested seven or eight years later, it had for the time, displaced all other treaties with the Sioux nation, kept the Crow Creek reservation closed against settlement by white people, and opened all of Northern Dakota that was claimed by the Sioux nation east of the Missouri River, and the northern portion of Southern Dakota, to be occupied by the white race; and had also furnished the basis of the Government's intercourse with the Sioux which included the payment to them, in supplies of subsistence and raiment, and in money, of hundreds of thousands of dollars. And it delayed the opening of the Black Hills for a number of years.

The failure of Congress to ratify the treaty may not have been an oversight, but a foreshadowing of the later action of both houses, declaring that Indian nations or tribes should not thereafter be recognized as treaty-making powers.

In this history we first meet with the Oglala and Brule Sioux Indians on the North Fork of the Platte River, in the new Territory of Nebraska and near its western border. They were there when General Harney came out on his expedition against the Sioux in 1855.

A tradition, fairly well authenticated by subsequent events, has come down from the Brule Indians, that many years prior to the Harney expedition, and the battle of Ash Hollow, a quarrel of a serious nature occurred in the Brule tribe in the North Platte country, which resulted in a division of the tribe, one faction selecting a location south of the North Fork, the other remaining on the north side, and from this circumstance arose the name of "Lower Brules." The Lower Brules were much less numerous than their northern relatives, but their grievance was of such a serious and unpardonable nature, that they were never thereafter willing to amalgamate with the northern faction. They maintained a separate tribal organization (and when the Sioux were divided up under the Black Hills treaty, they secured a separate reserve nearly opposite Chamberlain where old Fort Lookout had been built a half century earlier, and were thereafter treated with by the Government as a separate tribe).

But these Sioux, Oglalas and Brules, including the lower tribe, were not in the North Platte country thirteen years later when the Laramie treaty was made with them by General Sherman and others, and there was little doubt

in their location for several years following that event, though the treaty provided them a reservation in Dakota.

Some little time after this treaty, the Red Cloud Indians (Oglalas), were located at Fort Robinson, near Crawford, Neb., and the Spotted Tail Indians (Brules), were located on Beaver Creek, Neb., about fifteen miles southwest of the present Pine Ridge Agency, and the agencies were known as "Spotted Tail's Agency," and "Red Cloud's Agency." By the terms of the Sherman treaty the Indians were permitted to occupy a large strip of land in Nebraska north of the North Platte River extending to the Dakota boundary, and the agencies above designated were located on this strip. The Lower Brules moved to the Missouri River and settled in the neighborhood of old Fort Lookout.

The peace policy as pursued by the Government in its intercourse with the Indians, forms an important link in the history of Dakota, inseparable from its growth in population and the expansion of its settlements from the earliest period of white occupation of the Dakota country. Its industrial feature, to which the ultimate success of the policy is due, was first ingrafted in the agreements with the Sioux in Dakota, and its earliest experiments as well as later achievements, have been notable events in the history of the territory.

The policy will not be claimed as a reform to be credited entirely to one generation; though it became more of an issue and a political as well as an economical question following the Little Crow war of 1862. William Penn might be historically cited as its author, and first to apply its principles; but we find all through the intercourse between the Government and its Indian subjects, where something like the peace policy has been effectual in promoting the condition of the Indians; and it has also been a prominent factor in extending the settlements of civilization until they would encroach upon the country set apart for the Indians, or upon his rights and privileges, which would lead to a war in which the Indians would never fail to be worsted; and new treaties marking some advanced steps in restraining the privileges and so-called rights of the red man, would be agreed upon between the Government and its subdued subjects; who in theory at least were treated with as a foreign nation, except that the Government was of necessity compelled to act for both parties and for the best interests of both, considered in their mutual relation.

The peace policy which the country has known as such for the past forty years or more, is more properly an industrial policy—it is a policy which in theory at first, declined to contribute to the support and maintenance of the Indian until he would signify his willingness to abandon his wild life, give up the chase, relinquish all ambition for war with his own race as well as with the Government, settle down in a permanent home and become a factor in the industrial life of the nation. It was conditions brought about by the spread of the settlements of civilization, that forced the adoption of this policy, and it is most remarkable to note that from the time it was entered upon with a determined purpose to adhere to it, its practical application and operations have more than justified the claims of its early supporters.

The Indian wars had brought to the front a large number of men who had given the Indian problem a great deal of thought in an effort to determine what was best to do for the welfare of the Indian and at the same time rid the frontiers of all dangers from this source, thus opening the way for the whites to come in and develop the lands and mines and make the desert blossom. The Government officials were endeavoring to hit upon something practical that would accomplish this, and finally it was decided to colonize the red people on an immense reservation where they were to be taught to farm, and the different mechanical trades, and the young people educated in good schools. It only remained to get the consent of the Indians to make the plan a success, at least so far as its preliminary work of gathering them all together was concerned, and for this purpose President Johnson sent the Commissioner of Indian Affairs, Hon. Wm. P. Dole, out to Dakota in 1865 to negotiate treaties with all the Indian tribes for the purpose of

inducing them to abandon savage life and settle down to the peaceful pursuits of civilized industry, upon reservations. While this policy was necessarily slow and beset with many difficulties, it possessed sufficient merit to commend it to the favor of the humane people everywhere.

Mr. Dole did not succeed at this time in effecting such treaties, but he paved the way for a number of agreements, which were subsequently made by commissioners specially appointed to treat with the hostile tribes, in which the reservation, industrial and educational plan was given an initiative and being followed from that time has been more successful than was anticipated.

ARMY VERSUS CIVIL CONTROL OF INDIANS

In August, 1865, following the Indian wars in Dakota during the preceding three years, in accordance with a resolution of Congress appropriating \$20,000 for the purpose of defraying the expenses of a peace commission to treat with the hostile Sioux of Dakota and Montana, and in response to a very general sentiment held by a large body of influential citizens of the country, led by the Indian Rights Association of Philadelphia, of which William Welch was president, President Johnson appointed a commission, composed of prominent civilians and military men, which was authorized to visit the hostile Sioux—those that had been engaged in the recent wars following the Little Crow outbreak in Minnesota (and every tribe of the Sioux, except the Yanktons, was included in the term hostile), and arrange with them treaties of peace.

At this point the military people interposed an objection that as no treaties had been made with the Indians who had been in arms against the authority of the Government since the actual conflict ceased, the question of peace and its conditions was one which the War Department had under its sole jurisdiction, as the matter was still on a war basis; and contended that the civil authorities should not interfere except through the medium of the army. That the moral effect of such interference was to weaken the standing and influence of the army among the Indians, who would interpret it as a rebuke by the Government to its soldiers who had subdued the Indians and brought them to the Government seeking peace and a restoration of friendly relations.

However, the army does not appear to have offered any more than a verbal objection, for in September following the peace commission appointed by the President assembled at Yankton, organized and prepared for the journey up the Missouri. This commission was a mixed body made up of civilians and army men, as follows: Newton Edmunds, governor of Dakota; Gen. S. R. Curtis, commanding the Dakota Military Division; Gen. H. H. Sibley, Minnesota; Edw. B. Taylor, Northwestern Superintendent of Indian Affairs; A. Guernsey, Jamesville, Wisconsin; and Henry W. Reed, of Dubuque, Iowa. Governor Edmunds was chosen chairman of the commission, and M. K. Armstrong, of Yankton, was employed to accompany the expedition and keep the record of its proceedings. The Steamboat Cylipso had been chartered for the river journey, and though the season of navigation was nearing its close, word had been sent out to all the hostile tribes by runners to gather at certain points on the river for the purpose of arranging terms of peace, and the peace ambassadors left on their mission Monday, September 25, 1865, feeling confident of success, and desiring above all things to perform their full part in their efforts to meet the Indians in order that the latter should have no grievance on that score. The lateness of the season, and the brief time that had been allowed for getting word to the Indian people, thousands of whom were encamped at points inaccessible by river, worked a disadvantage to the success of this mission, but in the face of these drawbacks, there was an encouraging response on the part of the red people, with the result that representatives of most of the former hostile tribes were counceled with and treaties agreed upon. There were few representatives from the Indians inhabiting the interior, and owing to the close of navigation it became necessary to postpone

further efforts until the season of 1866; when the same commissioners having chartered the Steamer Ben Johnson, resumed their labors and succeeded in bringing every rebellious tribe into a peace agreement.

The commission on this second journey in 1866, ascended the Missouri River as far as Fort Union, Mont., and counselled with the Rees, Mandans and Gros Ventres, peaceable tribes, who are not Sioux, at Fort Berthold, and treated with the Cheyenne in that vicinity. Before reaching Fort Union they met and treated with over two thousand of the Upper Sioux and Assinaboines, and at the fort were greeted by a throng numbering at least five thousand, composed of Mountain Crows, Assinaboines, Blackfeet, and Bloods, from the Yellowstone Valley and the Black Hills region. The Indians met were all clamorous for peace and for reinstatement in the favor of the Great Father, and were not disappointed. The expedition closed with the treaties made at Fort Union, and the commission returned. Their treaties were all approved by the President.

While separate treaties had been made with each tribe, the matters agreed upon were identical with all tribes with the exception of money allowance, which varied in amount, and in other comparatively unimportant particulars—the main object sought being to secure a pledge from the Indians to refrain from hostilities and live on terms of amity with the Great Father and his white children, and also with other tribes of their own people, it having been discovered that much of the trouble on the frontier in which the Indians participated, arose from quarrels between the tribes or nations, leading to depredations upon the lives and property of the white people.

A copy of one of these treaties is here inserted for the information of those who desire to know the terms of this first settlement between the warring Sioux and the Government following the great war of 1862-65. Similar treaties had also been made under a separate commission with the hostiles of Nebraska, Kansas, and the other territories:

Treaty with the Sioux—Onkpahpah band—at Fort Sully, 1865.

Article 1. The Onkpahpah band of Dakota or Sioux Indians represented in Council, hereby acknowledge themselves to be subject to the jurisdiction of and authority of the United States, and hereby obligate and bind themselves, individually and collectively, not only to cease all hostilities against the persons and property of its citizens, but to use their influence, and if requisite, physical force, to prevent other bands of Dakota Indians, or other adjacent tribes, from making hostile demonstrations against the Government or people of the United States.

Article 2. Inasmuch as the Government of the United States is desirous to arrest the effusion of blood between the Indian tribes within its jurisdiction hitherto at war with each other, the Onkpahpah band of Dakota or Sioux Indians, represented in Council, anxious to respect the wishes of the Government, hereby agree to discontinue for the future, all attacks upon the persons or property of other tribes, unless first attacked by them, and to use their influence to promote peace everywhere in the region occupied or frequented by them.

Article 3. All controversies or differences arising between the Onkpahpah band of Dakota or Sioux Indians involving the question of peace or war, shall be submitted to the arbitrament of the President, or such person or persons as may be designated by him, and the decision or award shall be faithfully observed by the said tribe represented in this council.

Article 4. The said band represented in council shall withdraw from the routes overland already established, or hereafter to be established, through this country; and in consideration thereof the Government of the United States agrees to pay the said band the sum of \$30 for each lodge or family, annually, for twenty years, in such articles as the secretary of the interior may direct; Provided that said band, so represented in council, shall faithfully conform to the requirements of this treaty.

Article 5. Should any individual or individuals, or portion of the Onkpahpah band of Dakota or Sioux Indians, represented in council, desire hereafter to locate permanently upon any land claimed by said band, for the purposes of agricultural or other similar pursuits, it is hereby agreed by the parties to this treaty, that such individuals shall be protected in such location against any annoyance or molestation on the part of whites or Indians, and whenever twenty lodges or families of the Onkpahpah band shall have located on land for agricultural purposes, and signified the same to their agents or superintendent, they as well as other families so locating, shall receive the sum of \$25.00 annually, for five years for each family, in agricultural implements or improvements; and

when 100 lodges or families shall have so engaged in agricultural pursuits, they shall be entitled to a farmer, and blacksmith, at the expense of the Government, and also teachers at the option of the secretary of the interior, whenever deemed necessary.

Article 6. Any amendment or modification of this treaty by the Senate of the United States shall be considered final and binding upon the said band, represented in council, as a part of this treaty, in the same manner as if it had been subsequently presented and agreed to by the chiefs and head men of said band.

In testimony whereof the commissioners on the part of the United States, and the chiefs and head men of the Ojibpawak tribe of Dakota or Sioux Indians, have hereunto set their hands, this 20th day of October, 1865, after the contents had been read, understood, read, interpreted and explained to the chiefs and head men.

Signed by Newton Edmunds; Edward B. Taylor; S. R. Curtis, major general; H. H. Sibley, brigadier general; Henry Reed, Orrin Guernsey, for the Government of the United States.

Chiefs: M'Loke, or The Buck, His X Mark.

Mah-to-wak-konah, He That Runs The Bear, His X Mark.

Shon-kah-we-te-ko, The Fool Dog, His X Mark.

Chief Soldiers: Tah-chonk-pee-sappah, The Black Tomahawk, His X Mark.

Wah-doo-tah-wak-kean, The Red Thunder, His X Mark.

Ton-kon-ha-ton, The Rock With a Horse, His X Mark.

Chiefs: Two Bears, Mato-non-pa, His X Mark.

White Bear, Mato-sea, His X Mark.

Bone Necklace, Ho-loo-non-pee, His X Mark.

Soldier: Dog Cloud, His X Mark.

In presence of—

Hez. L. Hosmer, Chief Justice of Montana Territory.

S. S. Curtis, Brevet Lieutenant Colonel, U. S. Volunteers.

A. W. Hubbard, Member Congress, 6th District, Iowa.

E. F. Ruth, Secretary of Commission.

R. R. Hitt, Reporter of Commission.

Zephier Rencontre, His X Mark, Interpreter.

Charles Degres, His X Mark, Interpreter.

O-yea-ke-pa, The Man That Runs In His Tracks, His X Mark.

Na-je-em-pee, The Man Surrounded, His X Mark.

Wa-se-che-wa-kon, The Medicine White Man, His X Mark.

Skin-ich-e-a, The Man That Stirs, His X Mark.

Mon-ne-loo-sa, Fast Walker, His X Mark.

Tau-ton, Red Bull, His X Mark.

The foregoing signatures (on this handwriting, that of General Curtis), were made in the presence of the undersigned, on the 28th and 29th of October, 1865, at Fort Sully, D. T.

Major H. P. Shreve, Paymaster, U. S. Army.

John Pattee, Lieutenant Colonel, 7th Iowa Cavalry.

The time was propitious for making favorable terms with the hostiles. They were in an impoverished condition as the result of their recent wars with the Government, and had never been in a mood where they better appreciated the advantages of peace with the "Great Father," and for that reason it seemed of the first importance to make a compact with them that would bind them to observe peaceful relations with the whites. They were moreover in imminent danger of starving; destitution and suffering stared them in the face, and it would become the humane duty of the Government to provide them such relief as would preserve their lives, even in the absence of treaties—therefore the urgent haste shown in making these agreements, which were, as the sequel shows, only preliminary to the treaty of 1868, which was made with the entire Sioux nation, and covered nearly every phase of the proposed reform policy of the Government.

No attempt was made at this time to punish any portion of the Indians who had engaged in hostilities in the wars of 1862-63-64. A large number of the original fomenters of the uprisings in Minnesota in 1862, had been tried by a military tribunal and executed for their crime, in 1863, at Mankato, Minn., but their offence was the unprovoked massacre of hundreds of children as well as men and women, which placed the offenders in the category of murderers, and the situation at that time was of such a critical nature that clemency was demanded. It became customary, however, in the treaties concluded with the Indians from about this date, to incorporate a provision in the articles of the treaties made with them, requiring the tribe to surrender to the United States

authorities any individual Indians charged with any serious felony where the offence committed was in violation of the treaty, that such offender might be tried and punished under the laws of the Government in the same manner that similar offences were punished if committed by white subjects of the Government.

It will be observed that these treaties of 1865-66 provided for opening wagon roads across the Indian country, and no objection appears to have been made by the Indians. It appears that the upper river Indians were not concerned at that time about the Black Hills, and possibly the emergency which their destitute condition produced, had made them indifferent to the provisions of the treaties so long as it provided them with provisions of a more substantial character in the shape of bread and meat. But when the tribes lower down the river were encountered, the opposition to permitting the opening of any roads to or near the Black Hills was met with.

The Cheyenne Sioux were given an allowance of \$25,000 in cash for the wagon road which had previously been established by W. W. Brookings, from the mouth of the Cheyenne up to the forks of that stream, which would have been a direct route into the Black Hills country as far as the location had been made. The road, however, was projected and designed to continue on along the north fork of the Cheyenne or some more practicable and direct route to a junction with the Sawyer wagon road—the point of connection to be in the Territory of Montana. Mr. Brookings, who located the road, and Governor Edmunds, who headed the treaty commission, had in mind that the location to the forks of the Cheyenne would hasten the exploration and opening of the Black Hills, which region, among Dakota people, was known to be gold bearing.

The conflict with the Sioux at Fort Rice took place previous to the peace treaties with a portion of the upper Sioux made late in the summer and fall of 1865, and therefore was not considered a violation of those agreements.

The massacre at Fort Fetterman was attributed to the Oglala, under Red Cloud, and these had not been treated with, and were not reached until 1868. At the time of this massacre, December, 1866, representatives of all the Sioux tribes living on the Missouri, had been treated with, but the Sioux under Red Cloud in Nebraska had not. The treaty commission had counselled with them but had not been able to come to an agreement. The pretext advanced by the Indians for the Fetterman atrocity, was that the establishment of the post Fort Phil Kearney in the Big Horn country, was without their consent, that they did not want it, and concluded to destroy it. The Indians had uniformly been opposed to the establishment of forts in their hunting territory.

Following the Fetterman massacre, there was comparative quiet on the Dakota frontier, until 1870-71 when the construction of the Northern Pacific Railroad aroused the northern Sioux tribes, who, under Sitting Bull had organized to oppose and prevent its construction.

SIoux CHIEFS VISIT WASHINGTON

A numerous delegation of Sioux chieftains and warriors, numbering nearly fifty were brought together at the capital of Dakota in February, 1867, for the purpose of a visit to Washington to see the "Great Father," and be given an opportunity to express their sentiments on the Indian question. These untutored children of the plain had been preparing for the trip during their sojourn, and when they departed on their important mission, accompanied by their agents and superintendent, seated in eight especially furnished lumber wagons for the railway terminus in Iowa they were dressed in the height of aboriginal fashion, including their feathered headgear, as though they expected to meet their distinguished and wisely-loved Great Father host at the first turn of the road. There were forty-two Indian chiefs and renowned warriors in the company representing all the Sioux tribes except the Yanktons, who had just returned from a similar visit. The Indians were accompanied by Maj. Joseph

R. Hanson, agent of the Upper Missouri Sioux, and also those at Fort Thompson, as the Crow Creek Agency was called; also by Maj. James M. Stone, agent of the Santees at Niobrara; and by Maj. Patrick H. Congar, the Yankton agent. The title of major prefixed to the name of an Indian agent is a sort of landmark in the service, and grew out of a custom of the general government, when the Indians were under the supervision of the war department to designate one of that rank to perform the duties of Indian agent.

This embassy from Dakota, representing all the Sioux tribes was going on for the purpose of revealing the sentiments of the red men to the "Great Father" regarding the transfer to the war department. Fortunately for the Indians there was a very influential organization of pale-faces, known as the Peace Society, that took an active interest in their welfare. These people were very much disturbed over the proposed change, which seemed to them a retrograde step and diametrically opposed to the avowed policy of the government then being pursued under late treaties, which seemed to be working out its own justification quite satisfactorily. The Indians as a general rule were peaceably inclined, notwithstanding the recent outbreak of the Tetons at Fort Phil Kearney, whose hostility would be but temporary. The Indians, the Peace Society held, were manifesting great interest in the new policy, and thousands of them stood ready to abandon their savage mode of life, and adopt the customs of their civilized neighbors.

The United States Government at this time had a large number of army officers for whom little important military duty could be found. The disbandment of the volunteer forces, following the termination of the Civil war, had left a surplus of regular army officers who had held commands in the organizations that had been disbanded, so that considered in the light of immediate economy, their employment in the Indian service could be justified, as it would save the large expense which the employment of civilians made necessary.

The Dakota Indian delegation reached their destination and were cordially greeted by the Hon. Wm. P. Dole, who was then commissioner of Indian affairs and who received and provided for them at Washington. The position the Dakota Indians had taken was very gratifying to the interior department, and no effort was spared to strengthen their hostility to the proposed transfer. A number of grand councils were held, and the Indians in a body called on the President, who listened to their remarks with much interest. The outcome of the contest was that no action was taken by Congress, and the Indian bureau was not disturbed; nevertheless some understanding was had that permitted the employment of army officers as Indian agents, temporarily.

Gen. Alfred Sully, accompanied by General Parker, of General Grant's staff, and Colonel Colborn, an army officer, visited the Missouri Valley country in Dakota in May, 1867. They had been out investigating the Fort Phil Kearney massacre, had returned by way of Omaha, and were going up the river to have a council with some of the restless and troublesome savages. General Parker was a full-blooded Indian of the "six nations" of New York, and held the rank of general during the War of the Rebellion. It was expected that Parker, owing to his Indian blood and intelligence could exercise a favorable influence over the recalcitrant Sioux. The result of the mission, however, did not justify the hopes of its projectors. Parker seems to have done but little more than excite the curiosity of his less civilized brothers, who were led to wonder how he could have so completely mastered the white man's manners and language. When he counseled peace and industry, and pointed out to them what his own tribe had accomplished they seemed to regard him suspiciously as more of a friend to the whites than to his own race and they granted nothing and refused to be satisfied. Their great grievance was the crossing of their hunting grounds by an ever increasing number of emigrants. If General Parker could stop that there would be no further trouble. Except to ascertain the disposition of the untamed Sioux and to learn their grievances, the mission was fruitless. Parker's Indian blood seemed

a prejudice in the minds of the Indians, instead of securing their confidence. They could not see how he could be their friend and advocate the cause of their oppressors, the white people.

A much more formidable and important military peace commission visited the Sioux tribes and many others, later in the season of 1867, which was made up of Gen. William T. Sherman, Gen. Wm. Harney, General Tappan, General Sanborn, General Pierson, General Taylor, who was president of the board, Gov. Andrew J. Faulk, of Dakota, and A. S. H. White, secretary, and Colonel Merrill of Sherman's staff. Gen. Alfred Terry was one of the board and preceded this party. Accompanying the commission were Jack Howland, an artist, and Geo. B. Phillis, photographer; H. J. Budd, of the Cincinnati Gazette; S. J. Bulkley, New York Herald; W. Fayel, St. Louis Republic; United States Senator Henderson, of Missouri; Gen. C. T. Campbell, special Indian agent. This party had chartered the steamboat Saint Johns and reached the capital of Dakota about the 20th of August where they were joined by Governor Faulk, who succeeded Governor Edmunds in the fall of 1866, and proceeded on their mission to the Indian country. As peace treaties had already been concluded with practically all the wild Indians, the object of this commission was to further the interests of peace by inducing the Indians to consent to an arrangement under which all of their people north of the Platte River in Nebraska, and all in Dakota, should be given a large reservation west of the Missouri River in Dakota, where they would have ample facilities for farming and stock raising, and would be supplied by the Government with subsistence and encouraged by substantial assistance to become a civilized people. A number of large delegations from the various Sioux tribes met the commission at Fort Sully, where councils were held and the proposed plan and policy thoroughly discussed: nothing definite, however, was arrived at; but the Indians had been apprised of the intention of the "Great Father," and it was understood that they were inclined to favor the arrangement.

The commission then proceeded to Fort Laramie, where a council was held with large delegations of the Ogalallas, Brules, and others, whose domain was north of the Platte in Nebraska. These Indians evinced decided opposition to the big reservation plan, and desired to retain the country they then inhabited, and demanded as a condition precedent to any negotiations that all work on the Union Pacific Railroad through that country be abandoned. General Sherman told them that could be done no more than the sun and moon could be stopped. The Indians appeared surprised at this declaration, and finally began to realize the hopelessness of their "condition precedent," asked for further time to consider the matter, which was given, and it was agreed to meet them again on the 8th of October, at Fort Harker, Kan. The Fort Harker council was not at all encouraging, and it would seem that the large reservation plan was losing strength among its white supporters owing to some impracticable features with which it was burdened.

While the result of these several councils had not fulfilled the expectations of the Government, a great deal of value had been accomplished and the way opened for an arrangement that would embody the most valuable features of the plan, which was to bring the Sioux Indians together on one reservation, and require them to reside upon it. This would result in freeing a large portion of the frontier from strolling bands, put a stop to many small depredations, and give opportunity for the introduction of the arts of civilization among them. This policy was thereafter consistently pursued, and the Great Sioux reservation in Southwestern Dakota became the abode of practically the entire Sioux nation.

The unfriendliness that had been manifested by the Sioux along the Upper Missouri had ceased, and peace had brooded over that country for many moons, so that General Sherman, on returning to headquarters at St. Louis in November, 1867, issued a congratulatory proclamation in which he officially declared that Indian troubles in the Northwest were ended, and the signs then indicated

a long respite from border difficulties. This encouraging view was no doubt justified by the attitude of the Indians the general had met, who seemed to have reached an intelligent comprehension of their situation, which was one of helplessness and poverty unless guided, assisted and governed by the "Great Father" of the white people.

THE ARMY SEEKS CONTROL OF INDIAN AFFAIRS

While the advocates of army control of the Indians did not cease their efforts to secure a transfer of the Indian bureau to the war department, for several years, the sentiment of Congress as well as that of the country generally, was dominated by the "peace element," and even President Grant, who was possessed of strong predilections favoring the army in most matters, was wholly at variance with its ambition to secure the control of the Indians; and the peace policy, so-called, was familiarly termed "Grant's Peace Policy" before the second term of his presidency was concluded.

Since the official close of the Indian war in 1864, as declared by General Pope, there had been a growing sentiment, especially in army circles, for the transfer of the Indian bureau from the interior department of the Government to the war department. The military authorities held, and were supported by valid argument, that the country relied upon its military arm to suppress Indian hostilities, protect the frontiers from invasion, and protect emigration across the great plains, and that it could do this with greater efficiency, more economically, and much more satisfactorily, if the entire management and control of the Indians were entrusted to its authority.

Opposed to this was a strong and growing sentiment among religious bodies, led by the Quakers of Pennsylvania, and the Indian Rights Association, who favored a policy that ignored, practically, all danger of Indian hostilities if their peace policy could be adopted and the Indians brought to believe that the Government and the white people were their friends, willing and anxious to promote their welfare, and opposed to fighting them or controlling them by force of arms. These contended for a policy that would bring the Indians into communities where they could be educated and taught mechanical trades and encouraged in agricultural and pastoral employments; supervised directly by officers recommended by religious bodies. This contest grew to be a national issue in 1867, and each party was making every effort to induce Congress to its support. If the military people won, it would relegate the civilian agents to private life, hence the religious bodies were strongly supported by those then connected with the Indian service and the class of influential politicians who did not approve of being deprived of the large patronage which the Indian bureau controlled, while through this influence and because of prejudice against soldiers, many of the leading Indian chieftains and headmen were influenced to throw the weight of their uncompromising opposition against the army.

It should not be understood that military control of Indian affairs meant war or difficulties of any kind with the savages, for the military people were as anxious for peace as the civilians, but demanded that the Indians should be required to make their peace treaties with that department of the Government which had subdued their hostility and brought them to a peace seeking humor. Nothing unreasonable in that. They demanded control of the Indians in peace as well as in war, as a matter of good policy.

As a matter of fact peace was the sincere desire of all, including the Indians. As a rule the army men were friendly to the Indian, anxious to promote their welfare, and the Indians understood this, but they also understood that the army people insisted on peaceful behavior, and the observance of treaty obligations. It was the indifference to treaty obligations on the part of the civil authorities and of the Government and the Indians' belief that brought upon the country the occasional Indian troubles.

The official relations of the Indians and their experience with the army had not been of that pleasurable nature which would foster a predilection in the Indian's breast for that branch of the public service; and when they were made to understand the meaning of the movement which had sent such an unusual number of military chieftains as well as noted civilians to council with them they arrayed themselves in their best apparel, bearing on their bosoms the medals which they or their ancestors had received from their "Great Father in times past" testifying to their exemplary character and faithfulness, and as many as could get permission, made the journey to Washington to protest before Congress against the transfer; and their opposition had its effect.

It was generally believed, however, among those whites who had given the subject an unprejudiced study, that army control would be more economical for the Government, and the Indians would receive all the material aid which the Government provided for them—something it was alleged they did not have under the less scrupulous system then in vogue under the interior department; but it was seriously and with good faith questioned whether the army, from its spirit, training and purposes, was equipped for promoting the civilization of the Indian, and his instruction in agriculture and the mechanical arts, which under the new peace policy were regarded as of the first importance. For the time had come when the Indian must forever cease his roaming and aimless life as viewed from the standpoint of civilization, and learn to work and thus provide himself with the necessities and comforts of life, or go hungry and naked—become pauperized—starve and freeze—for there was no longer a field vacant that could supply him with hunting grounds; and the Great Father in his wisdom had proclaimed that he would not support him longer in idleness while so many of his white children were suffering for the want of sufficient food, raiment and shelter, which the Government was powerless to lawfully relieve. Therefore, in making a choice as to which department should have charge of his tutelage, the civil power was largely preferred by those who had taken the most unselfish and intelligent interest in the welfare of the red race, and did not regard the Indian as solely responsible for the misfortunes that had fallen upon his people.

The supporters of the claims of the war department in this matter were designated as favoring a war policy, while their opponents were called the advocates of a peace policy; though each faction was zealous and earnest for peace, and in fact the Indians who could comprehend their situation were as zealous and earnest for peace as was the Government, and willing to make any reasonable sacrifice to preserve it. Their wars had stripped thousands of them of their food supplies, their clothing, their camp equipments, their arms, and even their tepees, leaving them in a most pitiable and destitute condition, which demanded immediate relief which the Government only was in a situation to furnish. The great mass of the Indians who had been engaged in the wars were clamorous for peace, and decidedly averse to being transferred to the control of the department of war, and for this reason large delegations from the different tribes were taken on to Washington in order that their influence might be used to stay the threatened transfer of the bureau from the interior department.

The only incorrigible elements existing at that time among the Indians, consisted of a heterogeneous mass made up of lawless individuals representing nearly every tribe, many of whom had been outlawed and driven off by their tribal associates, and who had been banded together under a new leader, Sitting Bull, an incorrigible enemy of the Government, and an able and wary chief and medicine man, who refused all peace overtures and indignantly spurned the assistance of the Government. It was these people mainly who were responsible for the Custer massacre and who for many years following that atrocity found an asylum on British American territory under the protection of the British flag. They disdained all proffers of the Government—would sign no treaties, and held to the doctrine that the Indians were the lawful and rightful owners of the soil,

and the Government had obtained no title by its treaties unless every individual Indian interested gave his and her consent.

SANTEES AT NIOBRARA

The Santee Indians, who had been established on a reservation at Crow Creek in 1863 were removed in 1866, to a reservation selected for them near the mouth of the Niobrara River, in L'Eau Qui Court County, Neb. The Santees at this time had no rights that the Government was bound by treaty to recognize, having forfeited their treaty privileges and annuities by their outbreak and massacres under Little Crow, in 1862. At the time of this removal, about ninety members of the tribe, who had been confined in Government prisons for three years for their participation in that war, were released and sent by the steamboat Dora, to the new reservation. Their proximity to the settlements of Dakota, was the occasion of some alarm and general indignation. They were regarded as a hostile, treacherous and blood-thirsty people, who would be a constant annoyance to the settlers in Dakota, and a serious hindrance to immigration. Efforts were fruitlessly made to induce the Government to place them at some point more remote from the settlements. The governor and the Legislature of 1866-67 enlisted in this work; but the Santees were not disturbed, and as time passed and the Indians exhibited no indications of a hostile disposition, the alarm and indignation subsided. The Indians, however, were not allowed to roam about the country, but required to remain on their reservation unless provided with a special permit; with this written testimonial as to good character and industry, a number of the squaws and occasionally an aged warrior, found their way to the settlements, where the women found employment in washing and other domestic work for the pioneers. They had learned these rudiments of housekeeping before their removal from Minnesota, where they were accustomed to mingle freely with the whites. Later, this matter of the removal of the Santees was taken up by Congress, who, by resolution, directed the secretary of the interior to furnish the House of Representatives with a statement of his authority and reasons that had led to the removal of the tribe from Crow Creek without congressional sanction; what land had been taken for an Indian reservation; and whether the land had been purchased of private persons, and all other information in possession of said secretary. There appears to have been a suspicion that certain officers of the Federal Government had procured the removal of these Indians for personal reasons and for private gain, and Congress determined to sift the matter.

It was explained that no permanent reservation had been taken at Niobrara, and the removal was for the benefit of the Indians who were partially civilized, and who would have gone back to their savage condition if compelled to associate with the wild tribes that frequented the Crow Creek region; and further that the department was engaged in selecting an advantageous location where the Santees would be placed in charge of the Quakers.

Three years later, 1869, a large tract of land was secured much nearer the settlements, at a point in Nebraska opposite Springfield, Dakota, and here the tribe was located and has since remained.

We now come to the time and occasion when the Government endeavored by treaty to define the boundaries of the Sioux Indian Territory, wherein they were to be required to reside and beyond which they were forbidden to roam, and to mark out a plan that it was hoped would even totally result in disenthraling the Sioux from the dominion of barbarism, idleness and ignorance, and direct his way to become civilized and instructed in the arts of civilization, and a partaker in its employments, comforts and advantages.

In the spring of 1868 the military peace commission, commonly known as the Sherman Peace Commission, which is described and named in a council held at Fort Sully during the previous fall, convened at Fort Laramie, then in Dakota Territory, for the purpose of making a treaty with the Indians of the Sioux nation.

that would embody the plans set forth in its councils with the various tribes at different places during the year 1867.

As this treaty contained the most definite proposition to the Indians to abandon their wild and nomadic life and adopt the customs and industries of the white people, a fair understanding of its provisions will serve to stimulate interest in the future career of the race as they emerge from their condition of barbarism into a higher sphere. It was the forerunner of the important step taken in 1876, when the Black Hills were ceded, and a system, practically compulsory, was then adopted, requiring the Indians to adopt an industrial life and to educate their children. The treaty is here inserted:

THE FAMOUS SHERMAN TREATY OF 1868

Andrew Johnson, President of the United States of America, to all and singular to whom these presents shall come, greeting:

Whereas, a treaty was made and concluded at Fort Laramie, in the Territory of Dakota (now the Territory of Wyoming), on the 29th day of April, and afterwards, in the year of Our Lord 1868, by and between Nathaniel G. Taylor, William T. Sherman, William S. Harney, John B. Sanborn, S. F. Tappan, C. C. Auger and Alfred H. Terry, commissioners on the part of the United States; and Ma-za-pon-kaska, Tah-shun-ke-co-qui-pah, Heh-won-ge-chat, Mah-to-non-pah, Little Chief, Mokh-pi-ah-in-tah, Co-cam-i-yah-yah, Con-te-pe-tah, Ma-wa-tau-ni-hav-aka, He-na-pin-wa-ni-ca, Wah-pah-shaw, and other chiefs and headmen of different tribes of Sioux Indians on the part of said Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to-wit:

Article 1. If bad men among the whites, or among other people subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians, the United States will upon proof being made to then agent and forwarded to the commissioner of Indian affairs at Washington City, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also reimburse the injured person for the loss sustained.

If bad men among the Indians shall commit a wrong or depredation upon the person or property of anyone, white, black, or Indian, subject to the authority of the United States and at peace therewith, the Indians herein named solemnly agree that they will, upon proof being made to their agent, and notice by him, deliver up the wrong-doer to the United States, to be tried and punished according to its laws; and in case they wilfully refuse so to do, the person injured shall be reimbursed for his loss from the annuities or other moneys due or to become due to them under this or other treaties made with the United States. And the President, on advising with the commissioner of Indian affairs, shall prescribe such rules and regulations for ascertaining damages under the provisions of this article, as in his judgment may be proper. But no one sustaining loss while violating the provisions of this treaty or the laws of the United States, shall be reimbursed therefor.

Article 2. Boundaries, etc. The United States agrees that the following district of country, to-wit, viz.: "Commencing on the east bank of the Missouri River, where the 46th parallel of north latitude crosses the same; thence along low water mark down said east bank to a point where the northern line of the State of Nebraska strikes the river; thence west across said river and along the northern line of Nebraska to the 104th degree of longitude west from Greenwich; thence north on said meridian to a point where the 46th parallel of north latitude intercepts the same; thence due east along the said parallel to the place of beginning; and in addition thereto all existing reservations on the east bank of said river, shall be, and the same are, set apart for the absolute and undisturbed use and occupation of the Indians herein named, and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit amongst them; and the United States now solemnly agrees that no persons except those herein designated, and authorized so to do, and except such officers, agents and employees of the Government as may be authorized to enter upon Indian reservations, in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article, or in such territory as may be added to this reservation for the use of said Indians, and henceforth they will and do relinquish all claims or right in and to any portion of the United States and territories, except such as is embraced within the limits aforesaid, and except as hereinafter provided."

Article 3. If it should appear from actual survey or other satisfactory examination of said tract of land that it contains less than one hundred and sixty acres of tillable land for each person who, at the time, may be authorized to reside on it under the provisions of this treaty, and a very considerable number of such persons shall be disposed to commence cultivating the soil as farmers, the United States agrees to set apart, for the use of said Indians, as herein provided, such additional quantity of arable land, adjoining to said reservation, or as near to the same as it can be obtained, as may be required to provide the necessary amount.

Article 4. The United States agrees, at its own proper expense, to construct at some

place on the Missouri River, near the center of said reservation, where houses and other buildings may be convenient, the following buildings, to-wit: A warehouse; a storeroom, for the use of the agent in storing goods belonging to the Indians to the value of not less than two hundred dollars; an agency building for the residence of the agent to cost not exceeding three thousand dollars; a residence for the physician to cost not more than three thousand dollars; and five other buildings, for a carpenter, farmer, blacksmith, miller and engineer, each to cost not exceeding two thousand dollars, also a school building, to be erected as soon as a sufficient number of children can be induced to attend, and a gristmill, which shall not cost exceeding five thousand dollars. The United States agrees further to cause to be erected on said reservation near the other buildings herein authorized a steam circular sawmill, with a gristmill and shingle machine attached to the same, in cost not exceeding eight thousand dollars.

Article 5. The United States agrees that the agent for said Indians shall in the future make his home at the agency building, that he shall reside among them and keep an office open at all times for the purpose of prompt and diligent inquiry into such matters of complaint by and against the Indians as may be presented for investigation under the provisions of their treaty stipulations, as also for the faithful discharge of other duties enjoined upon him by law. In all cases of depredation upon persons and property he shall cause the evidence to be taken in writing and forwarded, together with his findings, to the commissioner of Indian affairs, whose decision, subject to the decision of the secretary of the interior, shall be binding upon the parties to this treaty.

Article 6. If any individual belonging to said tribes of Indians, or legally incorporated with them, being the head of a family, shall desire to commence farming, he shall have the privilege to select in the presence and with the assistance of the agent then in charge, a tract of land within said reservation not exceeding three hundred and twenty acres in extent, which tract when so selected, certified and recorded in the "Land Book" as herein directed, shall cease to be held in common, but the same may be occupied and held in the exclusive possession of the person selecting it, and of his family, so long as he or they may continue to cultivate it.

Any person over eighteen years of age, not being the head of a family, may in like manner select and cause to be certified to him, or her, for purposes of cultivation, a quantity of land not exceeding eighty acres in extent, and thereupon be entitled to the exclusive possession of the same as above directed.

For each tract of land, so selected, a certificate containing a description thereof and the name of the person selecting it, with a certificate endorsed therein that the same has been recorded, shall be delivered to the party entitled to it by the agent, after the same shall have been recorded by him in a book, to be kept in his office, subject to inspection, which said book shall be known as the "Sioux Land Book."

The President may, at any time, order a survey of the reservation, and when so surveyed, Congress shall provide for protecting the rights of said settlers in their improvements, and may fix the character of the title held by each. The United States may, from time to time, on the subject of alienation and descent of property between the Indians and their descendants as may be thought proper. And it is further stipulated that any male Indian over eighteen years of age, of any band or tribe, that is or shall hereafter become a party to this treaty, who now is or shall hereafter become a resident or occupant of any reservation or territory not included in the tract or tracts designated or described in this treaty, as the permanent home of the Indians, which is not mineral land reserved to the United States, for special purposes other than Indian agriculture, and who shall have made improvements thereon of the value of two hundred dollars or more, and continuously possessed the same as a homestead for the term of three years, shall be entitled to receive from the United States, a patent for 160 acres of land including his said improvements, the same to be in the form of the legal subdivisions of the surveyed public lands, to be made and shown in writing, sustained by the proof of two disinterested witnesses made to the register at the local land office, when the land sought to be entered is within a land department, and when the tract sought to be entered is not in any land district then open and undeposited, and before being made to the commissioner of the General Land Office, and the right is made known to the Indians to enter such tract or tracts of land, shall be reserved to the Indians, and his first improvements thereon, and shall continue as long as he continues his residence and improvements, and no longer. And any Indian or Indians receiving a patent for land under the foregoing provisions, shall thereby and from that date become and be a citizen of the United States, and be entitled to all the privileges and immunities of such citizens, and shall at the same time forfeit all his rights as an Indian under this treaty.

Article 7. In order to insure the civilization of the Indians, and to give them the necessity of education is admitted, especially of such of them as are residing by season on said agricultural reservations, and that the United States hereby agrees to send their children, male and female, between the ages of five and fifteen years, to a school which it is hereby made the duty of the agent to send them to, and that the United States is strictly bound to give, and the United States agrees that it will cause, to be sent to said school, who can be induced or compelled to attend, and a house with a kitchen, and a teacher competent to teach the elementary branches of a liberal education, and to

furnished, who will reside among said Indians and faithfully discharge his or her duties as a teacher. The provisions of this article to continue for not less than twenty years.

Article 8. When the head of a family or lodge shall have selected lands and received his certificate as above directed, and the agent shall be satisfied that he intends in good faith to commence cultivating the soil for a living, he shall be entitled to receive seeds and agricultural implements for the first year, not exceeding in value one hundred dollars, and for each succeeding year he shall continue to farm, for a period of three years more, he shall be entitled to receive seeds and implements as aforesaid, not exceeding in value twenty-five dollars. And it is further stipulated that such persons as commence farming, shall receive instruction from the farmer herein provided for, and whenever more than one hundred persons shall enter upon the cultivation of the soil, a second blacksmith shall be provided, with such iron, steel, and other material, as may be needed.

Article 9. At any time after ten years from the making of this treaty, the United States shall have the privilege of withdrawing the physician, farmer, blacksmith, carpenter, engineer and miller, herein provided for, but in case of such withdrawal an additional sum thereafter of \$10,000 per annum shall be devoted to the education of said Indians, and the commissioner of Indian affairs shall, upon careful inquiry into their condition, make such rules and regulations for the expenditure of such sum and as will best promote the educational and moral improvement of said tribes.

Article 10. In lieu of all sums of money or other annuities provided to be paid to the Indians herein named, under any treaty or treaties heretofore made, the United States agrees to deliver at the agency house on the reservation herein named, on or before the first day of August of each year, for thirty years, the following articles, to-wit:

For each male person over fourteen years of age, a suit of good substantial woolen clothing, consisting of coat, pantaloons, flannel shirt, hat and a pair of home-made socks.

For each female over twelve years of age, a flannel skirt or the goods necessary to make it, a pair of woolen hose, twelve yards of calico, and twelve yards of cotton domestics.

For the boys and girls under the ages named, such flannel and cotton goods as may be needed to make each a suit as aforesaid, together with a pair of woolen hose for each.

And in order that the commissioner of Indian affairs may be enabled to estimate properly for the articles herein named, it shall be the duty of the agent each year to forward to him a full and exact census of the Indians on which the estimate from year to year can be based.

And in addition to the clothing herein named, the sum of \$10 for each person entitled to the beneficial effects of this treaty shall be annually appropriated for a period of thirty years while such persons roam and hunt, and \$20 for each person who engages in farming, to be used by the secretary of the interior in the purchase of such articles as from time to time the condition and necessities of the Indians may indicate to be proper. And if within the thirty years, at any time, it shall appear that the amount of money needed for clothing under this article, can be appropriated to better uses for the Indians named herein, Congress may by law change the appropriation to other purposes; but in no event shall the amount of this appropriation be withdrawn or be discontinued for the period named. And the President shall annually detail an officer of the army, to be present and attest the delivery of all the goods herein named to the Indians; and he shall inspect and report on the quantity and quality of the goods and the manner of their delivery. And it is hereby expressly stipulated that each Indian over the age of four years, who shall have removed to and settled permanently on said reservation, and complied with the stipulations of this treaty, shall be entitled to receive from the United States for the period of four years after he shall have settled upon said reservation, one pound of meat and one pound of flour per day; provided the Indians cannot furnish their own subsistence at an earlier date. And it is further stipulated that the United States will furnish and deliver to each lodge of Indians, or family of persons legally incorporated with them, who shall remove to the reservation herein described and commence farming, one good American cow, and one good well-broken pair of American oxen, within sixty days after such lodge or family shall have so settled upon said reservation.

Article 11. In consideration of the advantages and benefits conferred by this treaty, and the many pledges of friendship by the United States, the tribes who are parties to this agreement hereby stipulate that they will relinquish all right to occupy permanently the territory outside their reservation as herein defined, but yet reserve the right to hunt on any lands north of North Platte, and on the Republican Fork of the Smoky Hill River, so long as the buffalo may range thereon in such numbers to justify the chase. And they, the said Indians, further expressly agree:

1st. That they will withdraw all opposition to the construction of the railroads now being built on the plains;

2d. That they will permit the peaceful construction of any railroad not passing over their reservation as herein defined;

3d. That they will not attack any persons at home or traveling, nor molest or disturb any wagon trains, coaches, mules, or cattle, belonging to the people of the United States, or to persons friendly therewith;

4th. They will never capture or carry off from the settlements, white women or children;

5th. They will never kill or scalp white men, nor attempt to do them harm;

6th. They withdraw all pretense of opposition to the construction of the railroad now being built along the Platte River and westward to the Pacific Ocean and they will not in the future object to the construction of railroads, wagon roads, mail stations, or other works of utility or necessity, which may be ordered or permitted by the laws of the United States. But should such roads or other works be constructed on the lands of their reservation, the Government will pay the tribe whatever amount of damages may be assessed by the disinterested commissioners, one to be a chief or headman of the tribe;

7th. They agree to withdraw all opposition to the military posts or roads now established south of the North Platte River, or that may be established, not in violation of treaties heretofore made or hereafter to be made with any of the Indian tribes.

Article 12. No treaty for the cession of any portion of the reservation herein mentioned which may be held in common shall be of any validity or force as against the said Indians unless executed and signed by at least three-fourths of the adult male Indians occupying or interested in the same; and no cession of the tribe shall be understood or construed in such manner as to deprive, without his consent, any individual member of the tribe of his rights to any tract of land selected by him, as provided in Article 6 of this treaty.

Article 13. The United States hereby agrees to furnish annually to the Indians, the physician, teachers, carpenter, miller, engineer, farmer, and blacksmith, as herein contemplated, and that such appropriation shall be made from time to time, on the estimates of the secretary of the interior, as will be sufficient to employ such persons.

Article 14. It is agreed that the sum of \$500 annually, for three years from date, shall be expended in presents to the ten persons of the said tribe who in the judgment of the agent may grow the most valuable crops for the respective year.

Article 15. The Indians herein named agree that when the agency house shall be constructed on the reservation, and other buildings shall be constructed on the reservation named, they will regard said reservation as their permanent home, and they will make no permanent settlement elsewhere; but they shall have the right, subject to the conditions and modifications of this treaty, to hunt, as stipulated in Article 11 hereof.

Article 16. The United States hereby stipulates and agrees that the country north of the North Platte River, and east of the summits of the Big Horn mountains, shall be held and considered to be unceded Indian territory, and also stipulates and agrees that no white person or persons shall be permitted to settle upon or occupy any portion of the same, or without the consent of the Indians, first had and obtained, to pass through the same; and it is further agreed by the United States, that within ninety days after the conclusion of peace with all the bands of the Sioux Nation the military posts now established in the territory in this article named shall be abandoned; and that the roads leading to them and by them to the settlements in the Territory of Montana shall be closed.

Article 17. It is hereby expressly understood and agreed by and between the respective parties to this treaty, that the execution of this treaty and its ratification by the United States Senate shall have the effect and shall be construed as abrogating and annulling all treaties and agreements heretofore entered into between the respective parties hereto, so far as such treaties and agreements obligate the United States, to furnish money, clothing or other articles of property to such Indians, and bands of Indians as become parties to this treaty, but no further.

In testimony of all which, we the said commissioners, and we, the chiefs and headmen of the Brule band of the Sioux Nation, have hereunto set our hands and seals, at Fort Laramie, Dakota Territory, this twenty-ninth day of April, in the year one thousand eight hundred and sixty-eight.

N. G. TAYLOR, (Seal.)

W. T. SHERMAN, Lieutenant General, (Seal.)

WM. S. HARNEY, Brevet Major General United States Army, (Seal.)

JOHN B. SANBORN, (Seal.)

S. F. TAPPAN, (Seal.)

C. C. AUGER, Brevet Major General, (Seal.)

ALFRED H. TERRY, Brevet Major General United States Army. (Seal.)

Attest: A. S. H. WHITE, Secretary.

Executed on the part of the Brule band of Sioux by the chiefs and headmen, whose names are hereunto annexed, they being thereunto duly authorized, at Fort Laramie, Dakota Territory, the twenty ninth day of April, in the year eighteen hundred and sixty-eight.

Ma-za-pon-ka-ka, His X Mark, Iron Shell. (Seal.)

Wah-pat-shah, His X Mark, Red Leaf. (Seal.)

Hah-sah-pah, His X Mark, Black Horn. (Seal.)

Zin-tah-gah-lat-skah, His X Mark, Spotted Tail. (Seal.)

Zin-tah-skah, His X Mark, White Tail. (Seal.)

Me-wah-tah-neh-skah, His X Mark, Tall Mountain. (Seal.)

She-sha-chat-kah, His X Mark, Bad Left Hand. (Seal.)

Ne-mah-ne-pah, His X Mark, Two and Two. (Seal.)

Tah-tonka-skah, His X Mark, White Bull. (Seal.)

Con-ka-washta, His X Mark, White Bull. (Seal.)

Hah-cah-shah, His X Mark, Bad Elk. (Seal.)

Wa-ha-kah-zah-ish-tah, His X Mark, Eye Tangle. (Seal.)

Ma-tu-ha-ke-tah, His X Mark, Bear That Looks Behind. (Seal.)
 Bella-tonka-tonka, His X mark, Big Partisan. (Seal.)
 Mah-to-ho-hunka, His X Mark, Swift Bear. (Seal.)
 To-wis-ne, His X Mark, Cold Place. (Seal.)
 Ish-tah-skah, His X Mark, White Eyes. (Seal.)
 Ma-to-loo-zah, His X Mark, Fast Bear. (Seal.)
 As-hah-kah-nah-zhe, His X Mark, Standing Elk. (Seal.)
 Can-te-te-ki-ya, His X Mark, The Brave Heart. (Seal.)
 Shunka-shaton, His X Mark, Day Hawk. (Seal.)
 Ta-tan-ka-wa-kon, His X Mark, Sacred Bull. (Seal.)
 Ma-pi-a-sha-ton, His X Mark, Hawk Cloud. (Seal.)
 Ma-sha-a-ow, His X Mark, Stands and Comes. (Seal.)
 Shon-ka-ton-ka, His X Mark, Big Dog. (Seal.)

Attest: ASHTO S. H. WHITE, Secretary of Commission.

GEORGE B. WIHE, Photographer to Commission.

GEO. H. HOLTZMAN.

JOHN D. HOWLAND.

JAMES C. O'CONNOR.

CHAS. E. GUERN, Interpreter.

LEON F. PALLARDY, Interpreter.

NICHOLAS JANIS, Interpreter.

Executed on the part of the Ogalallah band of Sioux by the chiefs and headmen whose names are hereto subscribed, they being thereunto duly authorized, at Fort Laramie, the 25th day of May, in the year A. D. 1868.

Tah-shunk-ah-quipah, His X Mark, Man-Afraid-of-His-Horses. (Seal.)
 Sha-ton-skah, His X Mark, White Hawk. (Seal.)
 Sha-tos-a-pah, His X Mark, Black Hawk. (Seal.)
 E-ga-mon-tonka-sa-pah, His X Mark, Black Tiger. (Seal.)
 Oh-wah-she-cha, His X Mark, Bad Wound. (Seal.)
 Pah-gree, His X Mark, Grass. (Seal.)
 Wah-non-reh-che-geh, His X Mark, Ghost Heart. (Seal.)
 Con-resch, His X Mark, Crow. (Seal.)
 Oh-he-te-kah, His X Mark, The Brave. (Seal.)
 Tah-ton-ka-he-yo-tah-kah, His X Mark, Sitting Bull. (Seal.)
 Shon-ka-oh-wah-mon-ye, His X Mark, Whirlwind Dog. (Seal.)
 Hah-ah-ka-atah-miech, His X Mark, Poor Elk. (Seal.)
 Wam-buh-lee-wa-kon, His X Mark, Medicine Eagle. (Seal.)
 Chon-gah-mah-e-so-han-ska, His X Mark, High Wolf. (Seal.)
 Wah-se-chun-tah-shun-ka, His X Mark, American Horse. (Seal.)
 Mah-hah-mah-hah-ak-near, His X Mark, Man That Walks Under the Ground. (Seal.)
 Mah-to-tow-pah, His X Mark, Four Bears. (Seal.)
 May-to-we-shak-ta, His X Mark, One That Kills the Bear. (Seal.)
 Oh-tah-kee-to-kah-wee-chak-ta, His X Mark, One That Kills in a Hard Place. (Seal.)
 Tah-ton-ah-ta-miech, His X Mark, The Poor Bull. (Seal.)
 Oh-hun-see-gan-on-sken, His X Mark, Mad Shade. (Seal.)
 Shah-ton-oh-nahom-min-ne-ne-oh-min-ne, His X Mark, Whirling Hawk. (Seal.)
 Mah-to-chun-ka-a-oh, His X Mark, Bear's Back. (Seal.)
 Che-ton-wee-koh, His X Mark, Fool Hawk. (Seal.)
 Wah-hoh-ka-za-ah-hah, His X Mark, One That Has The Lance. (Seal.)
 Shon-gah-man-ni-toh-tonka-seh, His X Mark, Big Wolf Foot. (Seal.)
 Eh-ton-kah, His X Mark, Big Mouth. (Seal.)
 Ma-pah-che-tah, His X Mark, Bad Hand. (Seal.)
 Wah-kee-yun-shaw, His X Mark, Red Thunder. (Seal.)
 Wah-sah, His X Mark, One That Cuts Off. (Seal.)
 Cham-non-qui-yah, His X Mark, One That Presents The Pipe. (Seal.)
 Wah-ke-ke-yan-puh-tah, His X Mark, Fire Thunder. (Seal.)
 Mah-to-non-k-pah-ze, His X Mark, Bear With Yellow Ears. (Seal.)
 Con-res-teh-ka, His X Mark, The Little Crow. (Seal.)
 He-hup-pah-toh, His X Mark, The Blue War Club. (Seal.)
 Shon-kee-toh, His X Mark, The Blue Horse. (Seal.)
 Wam-bal-la-oh-con-quo, His X Mark, Quick Eagle. (Seal.)
 Ta-tonka-sup-pa, His X Mark, Black Bull. (Seal.)
 Moh-toh-a-she-na, His X Mark, The Bear Hide. (Seal.)

Attest: S. E. Ward, Jas. C. O'Connor, J. M. Sherwood, W. C. Miller, Sam Deon, H. M. Matthews, Joseph Bissonette, Interpreter; Nicholas Janis, Interpreter; Lefroy Joft, Interpreter; Antoine Janis, Interpreter.

Executed on the part of the Minneconjou band of Sioux by the chiefs and headmen, whose names are hereto subscribed, they being thereunto duly authorized.

At Fort Laramie, Dakota Territory, May 26, 1868, three names.

Heh-won-chat, His X Mark, One Horn. (Seal.)

Oh-pon-ah-ta-hemanne, His X Mark, The Elk That Bellows Walking. (Seal.)

At Fort Laramie, Dakota Territory, May 25, 1868, two names.

Heh-hol-ah-reh-chas-kah, His X Mark, Young White Bull. (Seal.)

Wah-chan-chum-cah-coh-kee-pah, His X Mark, One That Is Afraid of Shield (Seal.)

He-len-ne-shas-tah, His X Mark, The Old Owl. (Seal.)

Wee-pea-toh, His X Mark, Big Cloud. (Seal.)

Oh-pong-ge-le-skáh, His X Mark, Spotted Elk. (Seal.)

Tah-ton-ka-hon-keschne, His X Mark, Slow Bull. (Seal.)

Shon-ka-nee-sha-sha-ha-tah-pa, His X Mark, The Dog Chief. (Seal.)

Ma-te-tah-ta-tonka, His X Mark, Bull Bear. (Seal.)

Wom-beh-le-ton-kah, His X Mark, The Big Eagle. (Seal.)

Ma-to-heh-schne-lah, His X Mark, The Lone Bear. (Seal.)

Mah-to-ke-suy-ah, His X Mark, The One Who Remembers the Bear. (Seal.)

Mah-toh-oh-he-to-kah, His X Mark, The Brave Bear. (Seal.)

E-he-he-mah-eh, His X Mark, The Runner. (Seal.)

Tik-l-ya, His X Mark, The Herd. (Seal.)

He-ma-za, His X Mark, Iron Horn. (Seal.)

Attest: Jas. C. O'Connor, Wm. H. Brown, Nicholas Janis, Interpreter; Antoine Janis, Interpreter.

Executed on the part of the Yanktonnais band of Sioux by the chiefs and headmen, whose names are hereunto subscribed, they being thereunto duly authorized.

Mah-te-non-pah, His X Mark, Two Bears. (Seal.)

Ma-to-nask-in-ya, His X Mark, Mad Bear. (Seal.)

He-o-pu-ta, His X Mark, Louzy. (Seal.)

Ah-ke-che-tah-che-ca-dan, His X Mark, Little Soldier. (Seal.)

Mah-tee-tan-chan, His X Mark, Chief Bear. (Seal.)

Oh-wih-win, His X Mark, Rotten Stomach. (Seal.)

Skun-ka-wei-ko, His X Mark, Fool Dog. (Seal.)

Ish-ta-sap-pa, His X Mark, Black Eye. (Seal.)

Ih-tan-chan, His X Mark, The Chief. (Seal.)

Is-wic-a-ka, His X Mark, The Man Who Tells The Truth. (Seal.)

Ah-koe-he-tah, His X Mark, The Soldier. (Seal.)

Tashi-na-gi, His X Mark, Yellow Robe. (Seal.)

Nah-pe-ton-ka, His X Mark, Big Hand. (Seal.)

Chon-tee-week-to, His X Mark, Fool Heart. (Seal.)

Hoh-gan-sah-pah, His X Mark, Black Catfish. (Seal.)

Mah-to-wah-kan, His X Mark, Medicine Bear. (Seal.)

Shun-ka-kan-sha, His X Mark, Red Horse. (Seal.)

Wan-ro-de, His X Mark, The Eagle. (Seal.)

Can-i-pi-sap-pah, His X Mark, Black Tomahawk. (Seal.)

War-he-lo-re, His X Mark, Yellow Eagle. (Seal.)

Cha-ton-be-kah, His X Mark, Small Hawk or Long Ear. (Seal.)

Shu-ger-mo-net-so-has-ka, His X Mark, Tall Wolf. (Seal.)

Ma-ton-tah-kah, His X Mark, Sitting Bear. (Seal.)

Inah-tah-gen-us-ke-ne, His X Mark, Mad Elk. (Seal.)

Arapahoos:

Little Chief, His X Mark. (Seal.)

Tall Bear, His X Mark. (Seal.)

Top Man, His X Mark. (Seal.)

Nova, His X Mark. (Seal.)

The Wounded Bear, His X Mark. (Seal.)

The Whirlwind, His X Mark. (Seal.)

The Fox, His X Mark. (Seal.)

The Dog Big Mouth, His X Mark. (Seal.)

Spotted Wolf, His X Mark. (Seal.)

Sorrel Horse, His X Mark. (Seal.)

Black Coat, His X Mark. (Seal.)

Big Wolf, His X Mark. (Seal.)

Knock Knee, His X Mark. (Seal.)

The Black Crow, His X Mark. (Seal.)

The Lone Old Man, His X Mark. (Seal.)

Paul, His X Mark. (Seal.)

Black Bull, His X Mark. (Seal.)

Big Track, His X Mark. (Seal.)

The Foot, His X Mark. (Seal.)

Black White, His X Mark. (Seal.)

Yellow Hat, His X Mark. (Seal.)

Little Shield, His X Mark. (Seal.)

Black Bear, His X Mark. (Seal.)

Wolf Medicine, His X Mark. (Seal.)

Big Robe, His X Mark. (Seal.)

Wolf Chief, His X Mark. (Seal.)

Witnesses: Robert P. McKibbin, Captain Fourth Infantry, Brevet Lieutenant Colonel. U. S. A., Commanding Fort Laramie; William H. Powell, Brevet Major, Captain Fourth Infantry; Henry W. Patterson, Captain Fourth Infantry; Theodore E. True, Second Lieutenant, Fourth Infantry; W. G. Bullock; Charles E. Guern, Special Indian Interpreter, for the Peace Commission.

Fort Laramie, Wyoming Territory, November 6, 1868.

Makh-pi-ah-lu-tah, His X Mark, Red Cloud. (Seal.)

Wah-ki-ah-we-cha-shah, His X Mark, Thunder Man. (Seal.)

Maza-e-ah-geh, His X Mark, Iron Cane. (Seal.)

Waum-ble-why-wa-ka-tu-yah, His X Mark, High Eagle. (Seal.)

Ko-ke-pah, His X Mark, Man Afraid. (Seal.)

Wa-kiah-wa-kou-ah, His X Mark, Thunder Flying Running. (Seal.)

Witnesses: W. McE. Dye, Brevet Colonel, U. S. A., Commanding; A. B. Caine, Captain Fourth Infantry, U. S. A.; Robert P. McKibbin, Captain Fourth Infantry, Brevet Lieutenant Colonel, U. S. A.; Jno. Miller, Captain Fourth Infantry; G. L. Luhn, First Lieutenant Fourth Infantry, Brevet Captain, U. S. A.; H. C. Sloan, Second Lieutenant Fourth Infantry; Whittingham Cox, First Lieutenant Fourth Infantry; A. W. Vydges, First Lieutenant Fourth Infantry; Butler D. Price, Second Lieutenant Fourth Infantry.

Headquarters, Fort Laramie, November 6, 1868.

Executed by the above on this date.

All of the Indians are Ogallallahs excepting Thunder Man and Thunder Flying Running, who are Brules.

Attest: William McE. Dye, Major Fourth Infantry, Brevet Colonel, U. S. A., Commanding; James C. O'Connor; Nicholas Janis, Interpreter; Franc. La Fromboise, Interpreter; P. J. DeSmet, S. J., Missionary Among the Indians; Samuel D. Hinman, B. D. Missionary.

Executed on the part of the Uncpapa band of Sioux, by the chiefs and headmen whose names are hereunto subscribed, they being thereunto duly authorized.

Co-ca-mi-ya-ya, His X Mark, The Man That Goes In The Middle. (Seal.)

Ma-to-ca-wa-wek-sa, His X Mark, Bear's Rib. (Seal.)

Ta-to-ka-in-yan-kee, His X Mark, Running Antelope. (Seal.)

Kan-gi-wa-ki-ta, His X Mark, Looking Crow. (Seal.)

A-ti-ci-ta-hans-ki, His X Mark, Long Soldier. (Seal.)

Wa-ku-te-ma-ni, His X Mark, The One Who Shoots Walking. (Seal.)

Unk-cah-i-ka, His X Mark, The Magpie. (Seal.)

Kan-gi-o-ta, His X Mark, Plenty Crow. (Seal.)

He-ma-zi, His X Mark, Iron Horn. (Seal.)

Shun-ka-in-a-pin, His X Mark, Wolf Necklace. (Seal.)

I-we-hi-yu, His X Mark, The Man Who Blazed From The Mouth. (Seal.)

He-ha-ka-pa, His X Mark, Elk Head. (Seal.)

I-zu-za, His X Mark, Grind Stone. (Seal.)

Shun-kah-wit-ko, His X Mark, Fool Dog. (Seal.)

Mak-ply-a-po, His X Mark, Blue Cloud. (Seal.)

Wa-min-pi-lu-tah, His X Mark, Red Eagle. (Seal.)

Ma-to-can-see, His X Mark, Bear's Heart. (Seal.)

A-ki-ci-tai-tau-kan, His X Mark, Chief Soldier. (Seal.)

Attest: Jas. C. O'Connor; Nicholas Janis, Interpreter; Franc. La Fromboise, Interpreter; P. J. DeSmet, S. J., Missionary Among the Indians; Samuel D. Hinman, Missionary.

Executed on the part of the Blackfeet band of Sioux, by the chiefs and headmen whose names are hereunto subscribed, they being thereunto duly authorized.

Can-te-pe-ta, His X Mark, Fire Heart. (Seal.)

Wan-ni-dik-te, His X Mark, The One Who Kills Eagle. (Seal.)

Shota, His X Mark, Smoke. (Seal.)

Wan-ni-di-man-ni, His X Mark, Walking Eagle. (Seal.)

Wash-i-can-ya-ta-pi, His X Mark, Chief White Man. (Seal.)

Kan-gli-you-tan-ke, His X Mark, Sitting Crow. (Seal.)

Pe-ji, His X Mark, The Grass. (Seal.)

K-da-ma-ni, His X Mark, The One That Rattles As He Walks. (Seal.)

Wah-han-ka-sa-pa, His X Mark, Black Shield. (Seal.)

Can-te-non-pa, His X Mark, Two Hearts. (Seal.)

Attest: Jas. C. O'Connor; Nicholas Janis, Interpreter; Franc. La Fromboise, Interpreter; P. J. DeSmet, S. J., Missionary Among the Indians; Samuel D. Hinman, Missionary.

Executed on the part of the Cutheads band of the Sioux by the chiefs and headmen whose names are hereunto subscribed, they being thereunto duly authorized.

Te-ta-in-yan-ka, His X Mark, The One Who Goes Ahead Running. (Seal.)

Ta-tan-ka-wa-kin-yan, His X Mark, Thunder Bull. (Seal.)

Sin-tom-in-sa-pa, His X Mark, All Over Black. (Seal.)

Ca-ni-ca, His X Mark, The One Who Took The Stick. (Seal.)

Pa-tan-ka, His X Mark, Big Head. (Seal.)

Attest: O'Connor and the same names as above.

Executed on the part of the Two Kettle band of Sioux by the chiefs and headmen whose names are hereunto subscribed, they being thereunto duly authorized.

Ma-wah-tan-ni-han-ska, His X Mark, Long Mandan. (Seal.)

Can-k-pe-du-ta, His X Mark, Red War Club. (Seal.)

Can-ka-ga, His X Mark, The Log. (Seal.)

Attest: Same names as above.

Executed on the part of the Sans Arch band of Sioux by the chiefs and headmen whose names are hereunto annexed, they being thereunto duly authorized.

Ci-tan-gi, His X Mark, Yellow Hawk. (Seal.)

He-na-pin-wa-ni-ca, His X Mark, The One That Has Neither Horn. (Seal.)

Wa-in-lu-pi-lu-ta, His X Mark, Red Plume. (Seal.)

He-kah-pin-wa-ni-ca, His X Mark, No Horn. (Seal.)

Attest: Same names as above, O'Connor, etc.,

Executed on the part of the Santee band of the Sioux by the chiefs and headmen whose names are hereunto subscribed, they being thereunto duly authorized.

Wa-pah-shaw, His X Mark, Red Ensign. (Seal.)

Wah-koo-tay, His X Mark, Shooter. (Seal.)

Hoo-sha-ah-shah, His X Mark, Red Legs. (Seal.)

O-wan-cha-du-ta, His X Mark, Scarlet All Over. (Seal.)

Wau-ma-co-ton-ka, His X Mark, Big Eagle. (Seal.)

Cho-kan-tae-na-pi, His X Mark, Flute-Player. (Seal.)

Ta-shun-ka-mo-za, His X Mark, His Iron Dog. (Seal.)

And, whereas, the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the 16th day of February, 1869, advise and consent to the ratification of the same, by a resolution in the words and figures following, to-wit:

In Executive Session, Senate of the United States
February 16th, 1869.

Resolved (two-thirds of the senators present concurring), that the Senate advise and consent to the ratification of the treaty between the United States and the different bands of the Sioux Nation of Indians, made and concluded the 19th of April, 1868.

Attest: George C. Gorman, Secretary.

Now, therefore, be it known, that I, Andrew Johnson, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the 16th of February, 1869, accept, ratify and confirm the said treaty.

In testimony whereof I have hereunto signed my name and caused the seal of the United States to be hereunto affixed.

Done at the City of Washington, this 24th day of February, in the year of our Lord One Thousand Eight Hundred and Sixty-nine, and of the Independence of the United States of America, the Ninety-third.

By the President:

WILLIAM H. SEWARD,

Secretary of State.

ANDREW JOHNSON,

It will be observed that this treaty was made on the part of the Government by representatives of the war department, a concession probably to the demand of that strong arm whose valor had subdued the hostile and warlike spirit, and brought about the conditions favorable for an amicable agreement.

The administration of President Johnson, it will be recalled, was seriously disturbed by his unfortunate differences with Congress over the problem of reconstruction, which continued throughout his term, causing much perplexity and delay in other important matters of national concern.

During all this time the Government had given comparatively little attention to any systematic or well considered effort to prepare the Indian for a more useful life as a factor in such civilized industries as he was capable of comprehending and performing; but had been engrossed with the concerns of its own people of the white race, leaving the Indian problem to work out largely under the moral and religious influences of the missionaries supplied voluntarily by our various religious bodies, who had no authority even if so inclined to enlighten them in the mechanical crafts or agricultural arts; but occupied them chief with teaching the precepts of the Christian religion, a work that was fraught with much benefit and advantage to the benighted race, and extended in its beneficial influence in scores of instances to the care and succor of hapless adults and children, whom the misfortune of war had made victims of their own

In the meantime the plan of the industrial system as a means of redeeming the savage and giving him a place among the useful factors of the country's industrial system, was gaining strength and enlisting new advocates—the progress which had been made by the friendly Santees and Yanktons—both Sioux tribes—demonstrating that the Sioux Indian was capable of performing intelligent manual labor, and willing to work when freed from the allurements of the chase and the old free wild life; given a substantial reward for his labor, and aided by the incentive of further reward should he persist in his well doing.

The year 1869 witnessed the inauguration of President Grant and the further extension of the peace policy, so-called, in the administration of its Indian affairs. No section of the United States had a more direct interest in this matter than the Territory of Dakota and its white inhabitants; the hostile and warlike tribes of the great Sioux nation, all being inhabitants of the territory, and occupying that portion west of the Missouri River, an area embracing approximately one-fourth of the territory. There was at this time a general change, not only in the persons who had in charge the administration of Indian affairs, but in the system and methods of administration for the purpose of conforming them more closely to the new policy which had been rather tentatively on trial during the preceding administration of Mr. Johnson. The religious denominations now step into the places of authority as typifying more clearly the policy to be henceforth pursued in Dakota.

Among the early official acts of President Grant's administration was the assignment of army officers to the temporary discharge of the duties of agents at the various Indian agencies in Dakota Territory. During the Civil war there had been an increase in the number of subordinate officers in the regular army who had been employed in command of the volunteer troops; that arm now being disbanded left a surplus of military officers on the rolls of the regular army for whom there was no proper employment in the military activities of the country. It was therefore suggested in army official circles that the control of the Indians be taken from the civil authorities under the interior department and transferred to the war department. There were many sound arguments advanced in favor of the change; one having considerable force, being the necessity that existed of maintaining the army in the Indian country to keep the Indians in subjection and subdue their hostilities; also that the army men understood the Indians more thoroughly than did the civilians; could manage them with less friction and complaint; and finally that the army could supply competent officers to act as superintendents and agents, without entailing any extra expense on the Government for their employment, as they were under salary in the military department whether employed or idle.

These assignments of military people were not satisfactory to that element in the country who favored the compulsory education of the Indian people in agricultural and mechanical arts. This element was led by a very reputable and influential association called the Indian Humanitarian Association, of Philadelphia, of which William Welch, a prominent Episcopalian was president. The assignments of military people, however, were not designed to be permanent but were made in order to rid the Indian service of some possibly objectionable element, preparatory to entering upon the new proposed plan which gave to the religious denominations of the country the privilege of recommending suitable persons for employment as agents, and in the fall of 1870 or early in 1871 this change was made. In Dakota Territory, on the recommendation of Mr. Welch, Samuel Webster, of California, was appointed agent of the Yankton Indians; James M. Washburn, of Indiana, but more recently of Dakota, agent of the Brule Indians at Whetstone Agency; Henry E. Gregory, of Dakota, agent of the Poncas; Dr. H. F. Livingston, of Yankton, at the time surgeon at Crow Creek, agent of the Crow Creek Agency; Dr. J. F. Cravens at Cheyenne; and Major Hughes (Catholic), at Standing Rock. These agents represented the Episcopal

denomination except at Standing Rock. Samuel E. Jenney, Quaker, had been some time earlier placed in charge of the Santees in Nebraska.

In his message to Congress, December, 1871, President Grant said:

The peace policy pursued toward the Indian has resulted in the judgment from the limited time during which it has been in operation. Through the exertions of the various societies of Christians, to whom has been entrusted the execution of the policy, and the board of commissioners authorized by the law of April 9, 1869, the tribes of Indians have been induced to settle upon reservations, to cultivate the soil and perform productive labor of various kinds, and to partially accept civilization. They are being cared for in such a way, it is hoped, as to induce those still pursuing their old habits of life to embrace the only opportunity which is left them to avoid extermination. I recommend liberal appropriations to carry out the Indian peace policy, not only because it is humane, Christianlike and economical, but because it is right.

I recommend to your favorable consideration also, the policy of granting a territorial government to Indians in the Indian Territory, west of Arkansas and Missouri and south of Kansas. In doing so, every right guaranteed to the Indians by treaty should be secured. Such a course might be the means of collecting most of the Indians now on the Missouri River and the Pacific coast, and south of the British possessions, into one state or territory.

The sentiment of the country, influenced largely by the agitation of the peace policy, had been gradually working towards a denial of the claims of the Indian to original ownership of large tracts of the public domain. The past uniform policy of the Government had been in recognition of this ownership, but as the necessity for more complete control by the Government grew under the aggressive advance of immigration and public improvements, it was evident that the Indians, prompted probably by a class of white people who had become incorporated with them were more and more inclined to assert their rights as proprietors of the soil, and every forward movement in the progress of developing and opening up the vast domain of the Northwest was met and disputed, the Indians claiming that being the owners of the land they had a lawful right to forbid all trespassers, and were also justified in refusing to negotiate for its sale and transfer. There was probably sufficient ground for this claim in the treaties heretofore made between the Government and various Indian tribes, in which the ownership of the Indians was virtually acknowledged. Confronted by the obstinacy and hostility of a portion of the tribes of the Northwest, which, during the period when the Union Pacific Railroad was under construction, manifested their sovereign authority by open warfare against the extension of railroads through their country, Representative John Taffe, a Nebraska congressman, in February, 1870, introduced in the House of Representatives, a joint resolution to disencumber the public domain of the so-called Indian title.

The resolution declared:

That after the expiration of one year from the passage of this resolution, the public domain of the United States shall be held to be and shall be treated as all lands are disencumbered of the so-called Indian title.

The resolution failed of enactment, but it aroused considerable attention throughout the country; was earnestly supported by the people of the Northwest, and it was claimed would have had the approval of Congress but for a feeling that the Government had too often committed itself to an acknowledgment of the Indian title, and that a radical declaration in denial, might injuriously complicate the new policy which the Government had adopted in its control of the Indian tribes, and provoke a troublesome controversy with the Indian Rights Association, which also held that the Indians could not be deprived of their title without their consent. Notwithstanding the failure of the resolution, its purpose thereafter found expression in the acts of Congress and in the negotiations of the Government commissions having to do with Indian affairs.

Finally, in 1871, a law was enacted by Congress which declared that

Hereafter no Indian nation or tribe existing by the treaty of the United States shall be taken without its consent by a governmental action, and no power shall be exercised by the United States to acquire Indian title by treaty.

This law came three years later than the Sherman-Laramie Treaty of 1868, which inaugurated in written form some of the features of the industrial peace policy, and marked out the Great Sioux reservation. The provisions of this treaty, while forming the basis of the Government's treatment and care of the friendly Sioux, during the few years until the time when it was superseded in 1876 by the Black Hills agreement, were not all put in practical operation. Congress, however, continued its appropriations, and the annuities agreed upon were delivered, always accompanied by complaints of fraud from the Indians; who also complained that they had been deceived in the treaty; that its provisions had not been properly interpreted. And the Government became convinced, by a closer examination and more intimate acquaintance with the provisions of the treaty, that the Indians had been given too much discretion in choosing whether they would become tillers of the soil, or continue their former career as followers of the chase, to which the treaty seemed to invite them by allowing an immense territory for hunting grounds—a grant of discretion diametrically opposed to the theory and success of the industrial policy.

This reservation embraced all the country north of the southern boundary of the territory, west of the Missouri River including the Black Hills, and extending north to the 46th parallel of latitude, and apparently was a serious blow to the growth, development and prosperity of the Dakota settlements. It effectually locked the door of the Black Hills, and put an end to all enterprise to open up overland routes through Western Dakota to the gold fields of Montana and Idaho. It probably had a deterrent effect upon the occupation of the Missouri River counties west of Bon Homme, there being an apprehension that it would not be safe to get so near the reconstructed savages as the distance across the Missouri River, for the red man was an adept in the building and plying canoes, and was expert in their management on the water. It was looked upon at the time as quite partial to the transportation interests of the Union Pacific Railroad, which would land the Montana and Idaho immigration at Cheyenne, from whence they had as long or much longer wagon road trip than they would have starting from various feasible Missouri river points.

The treaty provided that it should be in force when ratified by the Senate of the United States; but the law of Congress which made the treaty commission, passed in 1867, provided that:

The district of lands set apart as a reservation for said Indians, when so selected and the selection approved by Congress, shall be and remain the permanent homes for said Indians.

Inasmuch as the treaty provided for the permanent disposal of the public domain, and contained other provisions making it necessary that it be sanctioned by the law-making power of the Government, and not of the Senate alone, and Congress never having acted on the treaty, the courts held the treaty invalid when it came to be tested later during the pell-mell rush of emigrants to the Black Hills gold fields during the two or three years preceding the lawful opening of that region.

The people of Dakota were in accord with all peace movements, which were also supported in good faith by the legislatures of the territory and by the governors of that day, both Governor Edmunds and Governor Faulk pronouncing for the policy in unequivocal terms. In fact one of the earliest criticisms of the war policy from an official source was contained in the annual message of Governor Edmunds submitted to the Legislature in 1865.

The treaty of 1868, unfortunately, left the door open through which the Indians could employ their time in the chase, and a vast country, including the Black Hills and Big Horn Region, surrendered to them as hunting grounds. While this treaty contained much that was commendable, it was plain from its practical workings, that so long as the discretion was left with the Indian to pursue his wild life, or undertake to live after the customs of civilized people, he

invariably chose the former, contending that the Government did not furnish sufficient subsistence to keep them from starvation. This contention was not well taken, though there are grounds for believing that the Indians did not receive all that the Government supplied for their use. But the fatal weakness in the treaties was the liberty given the Indian to follow the customs of his ancestors. It was conceded that a system of compulsory industry must be inaugurated if the barbarian was to be transformed into a civilized or semi-civilized being, and this was the position that confronted the Government when General Grant became President.

REMOVAL OF THE PONCAS

The Sherman Treaty with the Sioux Indians in 1868 gave the Sioux all the lands in the Territory of Dakota south of the Cannon Ball River and west of the Missouri; this included the Ponca reservation, and necessitated the removal of the Poncas to save them from the deadly animosity held toward them by the Sioux. It was said that the Sherman commission was not informed that the Poncas had this reservation, and that including it in the Sioux Treaty was an oversight. The Ponca reserve included the land known as Todd County, which the Government subsequently gave to Nebraska in 1882. In 1876 Congress enacted that the Poncas should be removed to the Indian Territory. No treaty had been made with them for their Dakota reserve, but being a docile tribe and few in numbers, they consented to the removal and were located on the Quapaw reservation in the Indian Territory. Here they suffered great hardship, and a number of them died from the effects of the climatic change, and other causes. They would have rejoiced had they been permitted to return to Dakota, but the law forbade, and to better their situation they were allowed to select a new reservation at the junction of the Salt Fork and the Arkansas—a finer reservation. Here they remained for a time contented, except in the case of a few old chiefs, who continued the agitation for return to Dakota, which culminated in enlisting the sympathy of the Indian Rights Association, which succeeded in having them brought north and located upon the Omaha and Winnebago reserve in Nebraska, where they found a congenial home. Finally by the Crook Treaty of 1889, they were given allotments on their old reservation in Dakota.

THE HOSTILE INDIANS

Gen. D. S. Stanley, in command of the military district of Dakota, headquarters at Fort Sully, was, at a later day, requested by the war department to ascertain and report regarding the tribal relations of the irreconcilable hostile and turbulent people, under Sitting Bull, and under date of July 1, 1871, in responding, states:

The Indians in the hostile camps were fragments of the Santee and Yankton tribes, but have no intercourse whatever with the friendly Santees. The Yanktonnais, however, communicate with the agency Yanktonnais at Grand River Agency. The Santees are a portion of that tribe who have remained hostile, and wild since the Indian war of 1862. They are in three bands under Head Chiefs Inkpaduta, White Hat, and Standing Bull. The 300 lodges in all. Standing Buffalo's band is quite friendly, the others are not. They number 200 lodges and are mostly armed with bows and arrows, but have some firearms which they obtain from British traders. The Yanktonnais are the Indian warriors and are said to be friendly. The chiefs are "Medicine Horse," "The Man Who Feels the Pain," "Little Black Eyes" and "Sken of the Heart." There is also a band of Santees, about fifty lodges, under "Hunderling Bull" that are friendly to the friendly Yanktonnais. I do not think it possible to induce these Indians to separate themselves from the hostile bands upon the same footing as the Assiniboines, nor will they do so until they are completely broken in a manner Red Cloud and his Ogallalas. The military could control them only by a military post somewhere about Milk River, a country which I believe is covered with the small number of troops at the disposal of the department.

When the North Pacific Railroad crosses the Missouri, the country south of it will be brought to a head, and in my opinion will not be subdued by our Indian war.

magnitude. Until that time I would recommend that conciliatory measures be taken with the Indians that are the subjects of this paper.

D. S. STANLEY,
Major-General.

LOCATION OF THE FRIENDLY TRIBES

None of the Sioux tribes west of the river appear to have had any particular local residence prior to the Laramie treaty of 1868, though all had been supplied with annuity goods—food and clothing for at least ten years before that event. The goods were brought to them annually by a special agent of the Government, who had them transported by steamboat, and delivered them at certain specified points on the river. Dr. A. H. Redfield, of Detroit, was the first of these agents beginning his journeys about 1858. He was followed in 1861 by Judge Latta, of Leavenworth, and the latter was succeeded in 1866 by Maj. Joseph R. Hanson, of Yankton. The special agency plan was discontinued at the close of Major Hanson's term in 1869, and individual agents were thereafter appointed for each tribe, and agency buildings constructed. The Lower Brule tribe was given a reservation by the Edmunds commission in October, 1865, on the west side of the Missouri below Crow Creek and extending down the river for several miles taking in the ancient site of Fort Lookout nearly across the river from Chamberlain. It had been a trading post of the American Fur Company, was very substantially built and enclosed in a stockade. It was constructed about the year 1820 for one of the company's principal depots. It had been considered more suitable for military headquarters, by General Harney, than Fort Pierre, when that commander came into the territory in 1855, and was taken over by that officer and occupied by a part of his command until after the completion of Fort Randall in 1856, and was later intermittently occupied by the Government. Some fragments of the old fort were found within the area enclosed by the stockade, when the Government, through Agent Hanson, located the Lower Brules on their reservation in 1867.

Before going to the Missouri River in 1877, the Red Cloud (Oglala) Indian Agency had remained in the upper White River valley on a commanding site near which was Camp or Fort Robinson, a military post, also near Crawford, Neb. The valley was from eight to ten miles wide, and the highlands on either side were crowned by white chalk hills, of irregular formation, which gave an interesting variety to the view. The buildings were of wood, erected in an enclosure 200 by 400 feet in area, surrounded by a stockade ten feet high. These consisted of an ample warehouse, three offices, rooms for employes' quarters, a mess house 16 by 50 feet, and a two story residence for the U. S. agent, who at the time was Doctor Irwin.

Spotted Tail's Agency, or the agency of the Brule tribe, on Beaver Creek, Neb., was about forty-five miles northeast of Red Cloud. It had a beautiful situation in a fine valley that afforded opportunities for farming. The small villages of the Brules were scattered along the creek for twenty miles. The buildings were similar to those at Red Cloud, with the addition of a schoolhouse and chapel. About fifty pupils attended school, which was conducted by lady teachers under the auspices of the Missionary Society of the Episcopal Church, whose services were furnished without compensation from the Indians or Government. Camp Sheridan was the name of the military post near this agency.

Article 4 of the Sherman treaty provided for agency buildings at some point on the Missouri River near the center of the reservation, but these improvements do not appear to have been made otherwise than providing a supply depot at the Whetstone Landing or at the mouth of Landing Creek.

About 1870, the Whetstone Landing at the mouth of Whetstone Creek, a few miles below the mouth of White River, was established, and called the Red Cloud and Spotted Tail agencies, where substantial buildings were erected, and supplies for a large part, if not all of the two tribes of Brules and Oglalas were deposited

by the steamboats at this landing, and were hauled overland to the agencies. Indians were employed largely to do the hauling under the supervision of white wagon masters.

The Oglalas and Brule tribes included more than half of the Sioux nation. The other tribes were the Minneconjoux, Uncapapas, Sans Arcs, Upper Yanktonnais, Lower Yanktonnais, Two Kettles, Blackfeet, Santees, Yanktons and Sissetons, though the three last mentioned had little or nothing to do with the affairs of the nation. The other and smaller tribes mentioned appear to have inhabited the country north of Fort Pierre and the Cheyenne and Cannon Ball regions, while the Yanktonnais had been allowed by the Edmunds Peace Commission, to occupy the improvements at Crow Creek which at that time had not been made a lawful reservation.

In all there were nine tribes west of the Missouri River, commonly called the "wild tribes," and three tribes east of the river—the Sissetons, the Santees, and the Yanktons, making twelve in all, from which coincidence they were sometimes compared with the twelve tribes of Israel. The three tribes east of the river were reputed to be further advanced in civilization than those west, and their affairs had been conducted by resident agents.

CHAPTER LX

INFLUENCE OF CHRISTIAN RELIGION ON THE SIOUX

PE-HE-ZI-WI, SPOTTED TAIL'S DAUGHTER—INDIANS IN COURT FOR MURDER—MISSIONARIES' GREAT WORK FOR CIVILIZATION—FATHER DESMET—INDIANS LIKE WHITE MAN'S WAYS—SPOTTED TAIL'S RELIGIOUS VIEWS—TOMAHAWK READS THE BIBLE—RELIGIOUS ASSOCIATIONS HOLD MEETINGS WITH INDIANS—CUSTER HEARS "OLD HUNDRED" SUNG BY HIS INDIAN SCOUTS.

Before the treaty of 1868 nearly all the Sioux west of the Missouri River were considered in the hostile class. The settlement of the country following the building of the Union Pacific Railroad, convinced them that their hunting grounds had become greatly contracted. Still the relations of the Indians to the whites were of such a peaceable and friendly character that the tribe of Brules, headed by Spotted Tail, frequently camped on the North Platte in Nebraska, and Spotted Tail and his family had frequent opportunities of becoming acquainted with the officers and soldiers at Fort Laramie; and the modest demeanor and striking beauty of his eldest daughter had made her a great favorite with many at the fort. And she soon came to apprehend the advantages of the whites in their superior numbers, and in all the comforts and refinements of civilized life which the white race had over the Indian, and it seemed quite in keeping with her superior mental qualities as well as her physical perfections, that she should without premeditation imbibe a strong partiality for the whites. As a child she attracted much attention at the fort, and when she had grown to womanhood she became a favorite companion of many officers of the volunteer troops, which at that time, which was during the years following the Civil war, composed in part the garrison at the post. In addition to being intelligent and graceful, and pure, she was the daughter of the principal chieftain of the Sioux nation, a position that gave her great importance among her own people, and as she innocently assumed, entitled her to an equal social standing among the whites. Her figure was rather below the medium height, with a face perfectly oval, illuminated by eyes black and flashing, with a small straight nose, finely formed lips and teeth white and perfect. Her name was Pe-he-zi-wi, meaning it was said golden hair; but her hair was perfectly black and fine, not coarse as is uniformly the case with the Indian race; she was naturally modest, which added to her many other attractions. Her visits to the fort were in the winter season while the Indians were in a permanent camp near by; she wore a blue cloth dress, beaded leggings and moccasins appropriately ornamented as became the daughter of a prince of the Dakotah nation. She wore strings of torquoise shells for earrings and necklace, her hands and arms adorned in Indian style with rings and bracelets, and a handsome buffalo robe thrown around her, she was a very attractive figure. It was known that Pe-he-zi-wi used all her influence with her father and her people to dissuade them from hostilities toward the white people. She felt that war against the whites could secure no advantage or retrieve anything that the Indians had given up in the way of lands, but on the contrary invariably left the Indians many times worse off than before, and she was, therefore, bent on cultivating a desire for peace and the adoption of a permanent peace policy by her father and his warlike subjects.

All this was prior to the treaty of 1868, and in the meantime the Sioux were engaged in a number of depredations, necessitating the frequent interposition of the soldiery to quell their hostile intent and punish them for their criminal lawlessness. And finally a council was called to meet at Fort Laramie for the purpose of making a treaty of peace, at which the famous General Sherman would preside. Spotted Tail did not intend to be present at this council which was called at Fort Laramie, but with his family and band camped within a reasonable distance of the fort in order to be where he could be apprised of whatever was taking place. It was at this place that his favorite daughter, Pe-he-zi-wi, was attacked with what proved to be a fatal illness. Her malady was a violent fever, and the medicine men of the tribe exerted themselves with all their skill and incantations, but the daughter grew more feeble and Father Spot could see that his loved one was rapidly nearing dissolution. Apprehensive that she could not survive the malady, she made an affectionate appeal to her father in favor of peace with the pale faces. An Indian's eldest child is invariably held in great favor, and Spot's daughter had so endeared herself to her father that he felt that she was all he had to live for. She implored her father, that after she was dead—an event close at hand—he should go straight to Fort Laramie and meet the white chiefs, and make a treaty of peace which should be everlasting. As Spotted Tail afterward narrated this scene, she said: "Remember the dying words of Pe-he-zi-wi; go to the pale faces, shake hands with them strong; promise me this, and also promise me as a pledge that you will do this, you will bury me in the cemetery among the pale faces at Fort Laramie." The old chieftain, savage and little accustomed to such sentimental influences, could not resist her appeal; his heart was touched, and his judgment was convinced that her counsel was for the best; and taking her hand in his, he gave her the promise she had so urgently sought, pledging his affection and his honor as a chief, that he would do all she had asked of him. Her earthly mission was fully accomplished, the hour of her death saw the triumph of her life, and her soul went forth to be received into the spirit land to receive the reward due to those who like her had labored for and sought for peace on earth.

Spotted Tail kept his promise; he made his way to Laramie and joined in making the first peace treaty of his nation that started the Sioux on their memorable journey from barbarism and savagery to civilized industry and in thousands of instances to Christianity. An Indian maiden's grave within the limits of the old fort, towering above the graves of the white people there buried, stands as a memorial of peace secured by the faithful daughter, Pe-he-zi-wi. It was for a long time related as a romance of the fort that she had cherished an unrequited affection for an officer of the army once stationed there, and that as an alliance was denied her, she gave way to despondency and died of a broken heart; but this story was not credited in best informed circles and her father knew that natural causes were responsible for the death of his devoted child. When Spotted Tail passed through Laramie in 1875, on his way to Washington to treat for the sale of the Black Hills, his white companions on the trip relate that he pointed out the grave, his eyes filled with tears, and he said his heart was big with sorrow because of the loss of Pe-he-zi-wi, and it was also big with love as he recalled his pledge to her and the better days he had seen with his people because he had redeemed that pledge in good faith. He also said to the interpreter, "had it not have been for her and my pledge, I would not now be at peace with the Great Father." And from that time until the day of his death, the old warrior never forgot his promise, but his voice and active efforts were ever found counseling the peaceful settlement of all differences which from time to time were the invariable accompaniment of the progress of his untutored and untamed people toward a civilized mode of living and a peaceful industrial career.

The Indian enjoyed immunity from punishment under the white man's law for the crime of killing another Indian, in the early days of Dakota. Two sons

tee Indians named Huxsa alias Crooked Legs, and Wagena alias One Road, were indicted in the United States Court held at Yankton for the murder of a Ponca Indian on the Ponca reservation which was then in the territory and a part of the Second Judicial District. The case came on for trial at the April term of the court, 1875, Judge Peter C. Shannon, presiding. Phil Faulk and Oliver Shannon defended the accused, and when the case was called they moved the court to quash the indictment on the ground that the court had no jurisdiction and ought not to take cognizance of the offense because the "crimes committed by one Indian against the person and property of another Indian are not triable by this court." Judge Shannon allowed the motion, the indictment was quashed, and the Indians discharged. As the United States District courts of Dakota had jurisdiction of all offenses committed in the Indian country, the decision of the court was regarded as virtually deciding that there was no federal law under which an Indian could be punished for offenses against his red brother.

A number of Indian delegations from Dakota visited Washington during the summer of 1870, the Government providing for these visits with a view of influencing the red man to preserve peace and persevere in his efforts to become civilized, industrious, and live like white people, and also with a purpose of defeating the effort to transfer the control of the Indian to the war department. Nearly all the tribes of the Sioux were represented in these visits, though not all at the same time. A delegation of chiefs and leaders composed of Sans Arcs, Two Kettles, and Minneconjoux, had an interview with General Parker, commissioner of Indian affairs, that became quite notable. Grant was President. Parker, who was a full-blooded Oneida Indian, but a well-trained citizen in manners, education and mode of living, had been given this position as a testimonial of good will toward his race, on the part of the Government, and under an impression that he would be able to forward the peace policy with less difficulty than would a white commissioner.

In one of his interviews with his Indian visitors, Parker asked "Little Swan," a Sans Arc chief, whether his chiefs and young braves would agree with him as to peace and have good hearts. The chief replied that he had visited Congress and found the members there disagreeing. "It was the same way," he said, "with his people at home." The question was then asked whether "his people had gone out this summer to hunt or to commit depredations?" The chief replied, "They did not intend to go out for a war, but I suppose they will war while they are out." Parker asked him "how he became a great chief?" Swan replied, "By deeds in battle." A military officer standing by suggested, "By killing people?" "Yes," replied Swan, "the same as the Great Father in the white house."

CHRISTIANITY AMONG THE INDIANS AND MISCELLANY CONCERNING THEM

To the teachings and good influences of Christianity must be ascribed the most powerful factor in humanizing and elevating the Indian character during the centuries of his intercourse with the white race. Its teachings once imbedded in his conscience have in many individual cases wrought the change in his life we denominate "conversion," and which has in due course transformed him from a pagan savage to a sincere Christian. The progress, however slow, has been sure, and the Christian principles instilled by the missionary have found a lodgment in many a red man's breast and become the rule of his or her life.

The religious instruction which the great body of Indians has received through the efforts of the religious denominations has had such a beneficial influence upon their character and lives, that the efforts put forth by the Government to teach them the industrial arts and customs of civilization have been beneficially promoted and greatly simplified because of the earlier religious preparation of the soil.

A number of the religious denominations of the United States, at their own request, had been given practical control of the care and education of the

reservation Indians of the nation for several years following the inauguration of President Grant in 1869. The important agencies in Dakota Territory were placed under charge of the Protestant Episcopal Church denomination. These included a number of the tribes and possibly all of the peaceable Sioux Indians. The Indians at Whetstone were under the chieftainship of the renowned Spotted Tail, who figured as the leader among the peaceful Sioux for more than a score of years.

During the spring of 1871, the Episcopal bishop of Nebraska and Dakota, Rev. W. H. Clarkson, of Omaha, visited several agencies, holding councils with the Indians, pointing out to them the advantages of a civilized life, and instructing them in the Christian faith. A very interesting affair was the visit of this greatly beloved church dignitary to the Ponca Agency in 1871, where a large number of the Indians were assembled to greet him and listen to his words of counsel and instruction. The bishop held a convocation, and through an interpreter addressed the Indians, advising them to abandon their barbarous customs and heathenish superstitions, embrace the virtue of the Christian religion, and adopt the customs, modes of living and industries of the white people. At the conclusion of the bishop's talk he was replied to by a number of the leading braves present, all of whom seemed interested in contemplating their future career brightened by the many advantages and comforts which would come to them through such a changed mode of life as the bishop had presented to them.

The Indians who spoke were known among the whites as "White Eagle," "Standing Buffalo," "Lone Chief," and "Standing Bear." All expressed themselves much gratified with the bishop's words, and gave him a most cordial greeting in the Indian fashion.

"White Eagle" said that they all believed there were two roads through life, the one traveled by their own people, and the other by the whites. They believed the white man's road was much smoother and easier than their own, and they would all gladly exchange their own rough and rugged way for that of the whites, but did not know how.

If some one would lead us we would follow in the trail, but we do not know how to get over into the white man's road without a leader. The roads are wide apart and there is no road by which they are connected. Give us some one to mark out the trail and we will follow. On one side we see the whites, on the other the blacks, and we think the Indian is between the two—but we believe all are equal—the same God made us all.

"Lone Chief" said that he was old and might never reap the benefits that would come from a Christian life, but his children would be able to derive all the advantages, and the day might come when some of his descendants would stand where the bishop was standing and teach Christian ways to his brother Indians.

At the conclusion of the speaking the bishop assured the Indians that he would provide a leader for them who would lead them across from the Indian trail to the white man's trail; that he would also build them a church building without expense to them—that good people toward the rising sun, who had kind hearts for the Indian, would bear all the cost. In closing, the Indians were informed that it was customary among good white people upon such occasions to invoke the divine blessing upon their work. The bishop and the whites present then knelt in prayer, but the red people, not having been instructed, remained seated, preserving a reverent silence.

While these Poncas for a time fulfilled the promise of their conversion, they were not given all the assistance and careful environment that was bestowed upon the Yanktons and Santees. They constituted but a small and not important nor influential tribe. They were related to the Omahas, and had a reservation in Nebraska above the city of that name.

In view of what the religious denominations have done for the Yanktons and Santees,

in civilizing and christianizing the Santees and Yanktons, whose regeneration was undertaken about the same time by a settled and well-sustained policy, and by the same organizations, it is fair to believe that had the Poncas been kept by themselves and not subjected to certain vicious influences which surrounded them after their removal, their descendants would now have been enjoying the same degree of enlightenment and prosperity which has come to the other tribes mentioned.

Christianity among the Indians is very much like Christianity among the white people. There are many instances cited upon unquestionable authority of Indians who have been enabled to comprehend what a true Christian life is, and have faithfully followed it, and the claim is also made on equally good authority that Indians of this type of Christians were never found in hostility to the white people even when the tribes of which they were members were in open warfare; that these Christian Indians were found putting forth their efforts to allay strife; succoring those who were in danger; caring for the wounded and suffering, and rescuing prisoners, and other good works of a similar nature. Compared with the whole body of Indians, these Christians among them were not numerous, but possibly their numbers, considering their opportunities, might compare favorably with many civilized white communities.

There are also thousands of Indians who, while they have a high regard for the white missionary, and gather together in large numbers to hear them and apparently listen patiently to their teachings are not so much impressed and influenced by it as to bring about any remarkable change in their lives and conduct. They tacitly consent to the truths which the missionary explains to them, but apparently fail to comprehend or accept them as a rule of conduct in their own lives. In this respect are they very unlike the majority of pale faces that make up many of our civilized communities? It would seem that the Christian Spirit, that which was exemplified by the Good Samaritan, is no respecter of civilization or of color, but that it finds a congenial home in the breast of the untutored Indian, and leads him to the performance of good works and a blameless life, just as it does his pale faced brother and sister, whose Christianity is exemplified by good works without ostentation.

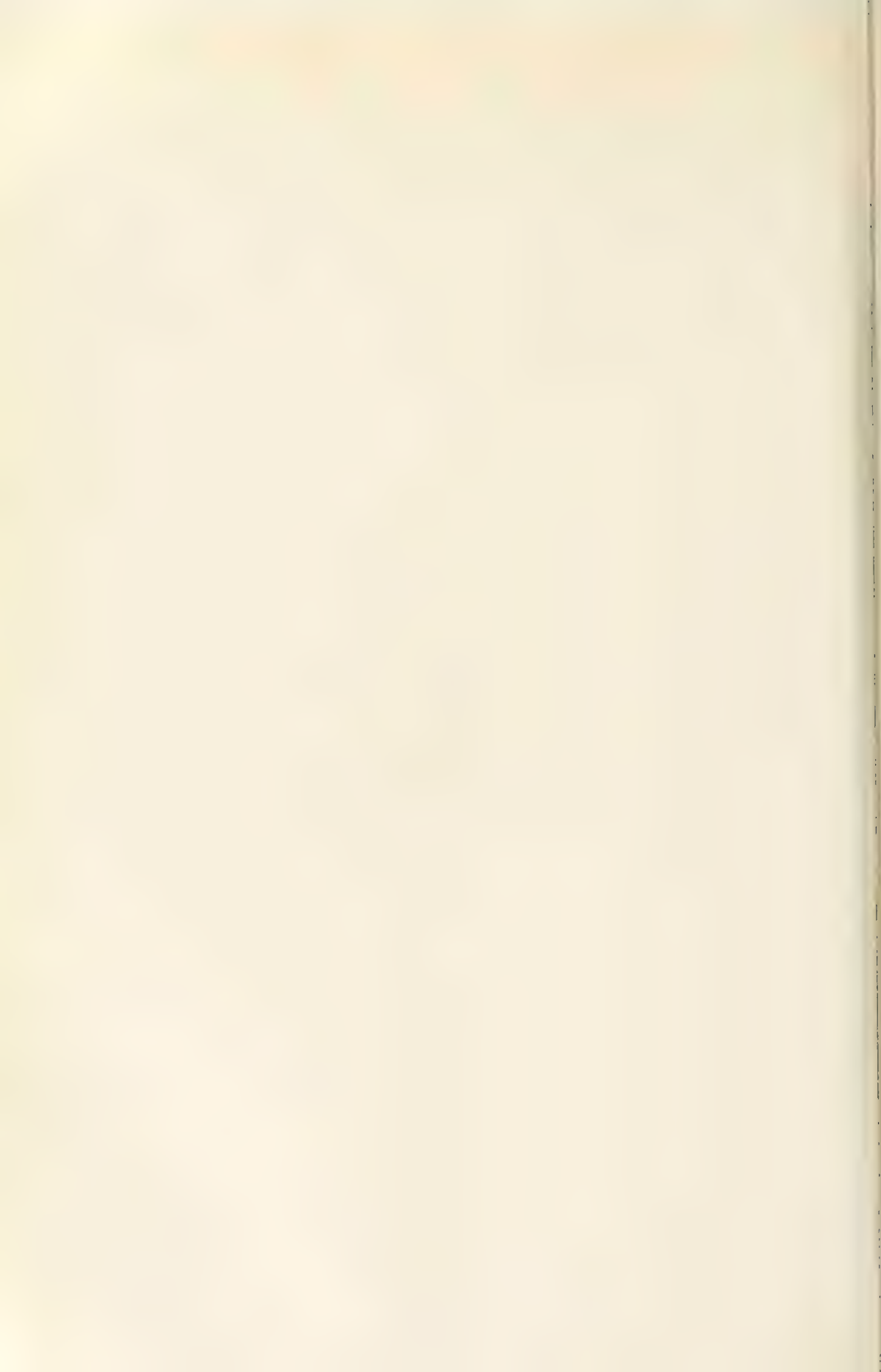
Christian missionaries of the white race have been zealously at work among the Indians of our country from the time when Columbus planted the sacred emblem of the Christian faith upon the soil of San Salvador. History recounts the zealous, unselfish, and self-sacrificing labors of these heroes of the Christian faith who have devoted their lives to teaching the great truths of Christ's gospel to these people, and the historic pages that tell of their valor, their privations and sufferings, and the multitude of their good works, are the brightest and most treasured legacy bequeathed to the great Republic by the pathfinders. Their achievements are among the most treasured in the chronicles of the world's progress in civilization and christianization.

Dakota Territory, centuries before that name was bestowed upon it, was the field in which these pioneers of the cross found abundant employment. It appears that among the first, if not the first, and possibly the first civilized whites to visit this section, were the Jesuit missionaries of France and Canada, who had journeyed through many and arduous difficulties and privations to reach and redeem a benighted and barbarous people.

Father St. Jacques, for whom the James River was named, is credited with being one of the earliest missionaries in the southern portion of the territory known as Dakota. He was a French missionary of the Roman Catholic Church, as were nearly all the missionaries who came among the Indians of this portion of the Northwest following the establishment of the Hudson's Bay Company in the Winnipeg and Red River country in 1740 though Father St. Jacques's labors were in the Big Sioux and Red River valleys largely. These missionaries were not all of the Society of Jesuits, but belonged in every instance to Catholic orders, St. Francis being one, and the Society of Oblates of St.



FATHER PETER JOHN DE SMET
Missionary among the Sioux, 1840 to 1860



Mary Immaculate, another. The Society of Oblates conducted the cathedral, convent and college at St. Boniface, Can., in 1684 and later, sending out missionaries to the Indian tribes inhabiting that portion of the Northwest.

The fur trading interest demanded the construction of substantial forts as posts for barter and storage along the Red River and its tributaries, particularly the Pembina River, which runs near to and nearly parallel to the international boundary line. Posts were also erected on the Missouri River, and some of its tributaries, and many of these posts became the center of a mission, where the missionary would make his headquarters when not absent in his field of labor.

Selkirk, though a Protestant, sought every opportunity to assist the missionaries and used his influence to secure those of the Roman Catholic faith to work among the people of his settlement in the Pembina country. Among the names of the pioneer clergy of the last century to the northern portion of Dakota we find Father Tabeau, a Canadian; Father Provencher, and Father Dumoulin, both Canadians.

FATHER DESMET

In 1830 the Rev. Father DeSmet began his labors among the Mandans and other tribes of the Upper Missouri. DeSmet belonged to the Jesuits, otherwise known as the Society of Jesus.

Rev. Peter Johann DeSmet has linked his name most worthily with the work of civilizing and Christianizing the savage nations of the Upper Missouri. While other missionaries as faithful and devoted preceded him by many scores of years, he came upon the field at a time just anterior to the great wave of emigration which swept across the Mississippi, and has largely covered the great plains between the Father of Waters and the Rocky Mountains. His mission began when there were no white settlers west of the Missouri and north of the Platte, and few north of the Kaw. He was quite well known, personally, to many of the early settlers of Dakota Territory, and more intimately by such pioneers as Todd, Galpin and Culbertson, who held him in high esteem.

Among the Dakota Indians he won his way to a position of commanding influence not alone as a Christian missionary but as a most valuable counsellor and devoted friend. His observations taught him, aside from his evangelical work, that the Indians were, in most cases, "more sinned against than sinning," and he exerted himself to improve the methods which governed the intercourse of the Government and the whites with the savages. There is no doubt that through his instrumentality the Indian policy of the Government took on a more useful and humane character because of his earnest and unselfish efforts. In this way, and by exhibiting to his savage charge the nobleness of his character, he accomplished much for the race. He performed the most difficult task of smoothing the way for his successors; removed many of the prejudices held by the Indians against the white race generally. So highly was he regarded by them and with such affection, that violence was never offered him, though accustomed to journey freely and alone through the Indian country, visiting the people in their villages, camping with them on the chase, and not infrequently becoming, though not intentionally, the honored guest of a war party. His rare intelligence, industry and unselfish devotion, combined with his unostentatious piety and lofty mission, enabled him to discern more closely and accurately the Indian character than many others who had expended almost a lifetime among them, and he finally became the repository of many of their most important confidences. He was acquainted with the secret of the gold deposits in the Black Hills for many years, but did not divulge the matter, apprehensive that it would at the time work more harm than good.

DeSmet was a man of rare courage, coupled with his sublime faith, which he declared in efforts to assist his fellowmen when they were most in need; seldom being called upon to protect or defend himself, relying confidently upon the protection of his Divine Master, whom he zealously served. In illustration of his exalted feeling, and that he had learned the lesson of the Good Samaritan, it is authentically related that during a season on the Missouri River in 1831, upon which occasion he was accompanied by Father Hoeben, the cholera appeared among the passengers and crew, who were very numerous, numbering nearly one hundred, made up largely of persons who were employed or were to be employed at the different trading stations along the river. When a fever then the contagion spread until nearly one half the people aboard were ill with it. Father DeSmet had studied medicine as an aid to him in his missionary work among the savage people, and he and Father Hoeben exerted themselves in caring for and administering to them, until the latter was stricken and died. DeSmet was quick but recovered, and he was of great service in nursing his fellow passengers who had been unable to resist the disease. There were nineteen fatal cases before the contagion had spent its force, which it did before

the boat had reached what is now Dakota. There was a terrible scourge of smallpox among the Sioux the same year, and it was estimated that over one thousand Indians died of it. DeSmet gave himself up to caring for the stricken savages, though himself a partial invalid from the effects of his contest with the cholera.

At the time of Harney's expedition in 1855 Father DeSmet was appointed chaplain, and accompanied the expedition for a time, but did not continue with it in its march to Fort Pierre.

He was born at Dendermonde, in Belgium, January 31st, 1801, and died at Florissant, near St. Louis, in May, 1873. He came to America at the age of 21.

He was educated partly in Belgium, in Maryland, and at Florissant, near St. Louis, at which place he arrived in 1823. After spending several years as a teacher in the Catholic schools of St. Louis he was sent as a missionary to the Pottawatomies and Kickapoos, then living near Council Bluffs, Iowa, and here commenced his long career among the Indians, the most remarkable and successful of any missionary of the nineteenth century. In 1841 he was sent west of the Rocky Mountains, among the Flatheads and other western tribes, starting from where Kansas City now stands, with the annual expedition of the American Fur Company, and until within a year of his death his labors were continuous. In the prosecution of his work he made seven different voyages to Europe in aid of contributions for the missionary work. On one of these trips he chartered a vessel, loaded it with his contributions and brought them by way of Cape Horn to the mouth of the Columbia River. His labors were mainly with the Shoshones, Blackfeet, Flatheads, Mandans, Pawnees, Pottawatomies, Sampeetehes, Pen d'Oreilles, and affiliated tribes.

He published several works on Indian missions, among them: "Western Missions and Missionaries;" "Oregon Missions," and "Letters and Sketches." On his last trip to Belgium he was made a Knight of the Order of Leopold, by the hands of Leopold II, as a recognition of his great merits. For some years prior to his decease he held the position of treasurer of the province, which includes all of the Jesuit houses from the Alleghenies to the Rocky Mountains.

He never sought the aid of either military or commercial interests in his work, but alone he traveled over the whole Indian country, with nothing but the word of God in his hand, and his black gown the only badge of his office, and it was by this name, "Black Gown," that he was known all over the Indian country. He possessed a charming simplicity of character, united to a resolution that was indomitable. He was also a man of remarkable physical strength and endurance, and had it not been for an accident on shipboard during his last trip to Europe by which he had three ribs broken and received internal injuries, he might have had his life prolonged for a score of years longer.

DeSmet was a man of diversified scientific knowledge; but his specialty was botany. He was a good topographical engineer and draughtsman, and there are many of his maps and surveys of the Rocky Mountains and Oregon which he made in the establishment of missions, that are considered authentic and of great value.

He was buried in the cemetery of St. Stanislaus, at Florissant, where fifty years before he felled trees to erect the log houses of the novitiate. He was said to be the last of his order of the Jesuits in North America, all of whom became distinguished for their Christian zeal and wanderings among the savage tribes of the West. The rapid extension of settlement and the construction of railways has changed the character of their work as well as Indians themselves. Like the hunters, trappers and voyagers, the missionary as he was known in early times, has disappeared, and with him has gone the romance and poetry of life and adventure among the aboriginal races.

By the writer of the foregoing biographical sketch, who knew DeSmet, and was familiar with his life, it is claimed that in the long list of Jesuit Fathers who have left the impress of their work and history upon the annals of the West, the name of Father DeSmet will stand out as one of the purest, most zealous, self-sacrificing and disinterested among them all. He was beloved and trusted, and respected by the Indian, the trader, the trapper, the soldier, the emigrant, the Catholic, the Protestant; and has passed away with only the blessings of all to follow him. He was simply and only a Christian.

Father George Anthony De Balcourt began his labors in the Red River Valley as early as 1830; he was a native of Canada, and later in 1846 settled on the Pembina River, built a chapel and convent, set up a grist-mill and a portable saw-mill. He called his settlement St. Joseph. He also built a chapel north of Pembina Village. The inhabitants of the country during Balcourt's mission were largely French mixed-bloods and Indians who had learned the French language. Balcourt proved to be a very useful man in various matters; of great enterprise and courage, and withal a zealous missionary. He became a naturalized citizen of the United States, and placed himself on record as a very zealous friend of the people on the American side of the boundary in the Red River country. In

1854 because of repeated aggressions of British subjects and the Hudson's Bay Company upon the persons and property of the people on the American side who were, in their church associations, under the charge of Father Balcourt, the reverend missionary was sent as a delegate to Washington for the purpose of laying before the President the grievances of his people. Arriving at the capital, he was requested to reduce his complaint to writing, which he did, stating:

They (his people) complain against the Hudson's Bay Company and the British subjects, who come two or three times a year over the line, being four or five weeks at each time, hunting about on the Indians' hunting ground, to the great detriment of the Indians, particularly in the fall. When the Indians have made a choice of winter quarters, from the appearance of buffaloes being abundant, then the British half-breeds would come, hunt, load their carts, and set to flight all the buffaloes, leaving behind them our Indians in starvation and despair. Now, for my part, I will complain in the name of philanthropy of this inhuman traffic in intoxicating liquors of the Hudson's Bay Company. Our law in regard to liquors not to be introduced on Indian lands are well observed on the part of our traders among the Pembina Indians, but the importation of rectified spirits by the Hudson's Bay Company this year is one-third of their whole importation. This rum is to be sold by their emissaries to our Indians whenever they find them over the line, by this way of conduct impoverishing and demoralizing our Indians, frustrating our traders of the produce of our country, and rendering useless the philanthropic laws that the wisdom of our Government has enacted for the welfare of our Indians. Nothing but an agreement between the two governments could ever put a stop to that ever-cursed branch of commerce. For the sake of humanity do use your credit to shut the door of misery and hell.

Moreover, as commissioned by the half-breeds of the Pembina country, numbering over two thousand, I have to humbly represent that being American citizens and so recognized in our territory, we invoke the protection of the Government against the encroachments of the Hudson's Bay Company and British subjects on our territory. We earnestly appeal to that part of the Constitution that gives to every citizen the privilege of being protected against the encroachments or the insults of the strong.

This counsel with the authorities had a beneficial effect and there was less complaint from these grievances and less cause for complaint from that time. Balcourt died in New Brunswick in 1874, having retired from the work in Northern Dakota about 1860, serving thereafter in the province of Quebec. His evangelical labors, however, had been wisely done and their beneficial influence was permanent, as those who came after him gladly testified.

Father Revoux and Father Thinbault were also foremost and zealous in the work. Father Martin Marty, who became an early bishop of the Diocese of Southern Dakota, served as a missionary among the Indians of the North, beginning as early as 1845. Marty was contemporary with Father John DeSmet.

Father Jean Baptiste Marie Genin was another Catholic missionary of great zeal, courage and enterprise, equalling Balcourt in his industry and success among the pagan people who were in his field of labor. Genin was a native of old France and came into the mission field of the northern part of the Territory of Dakota about 1860. He was successfully identified with the work through all the troublous years of the Indian wars beginning in 1862 with the Little Crow outbreak, and used his best efforts to restore peace between the Government and its recalcitrant subjects; while he possessed the confidence of the Indians, who recognized in him a faithful friend, he was unable to bring the Indians to realize that the whites were disposed to treat them fairly, they holding up the broken treaty pledges and the dishonesty of Government officials, as evidence of the wrongs they had suffered. Genin realized, as did many other prominent clergymen, that the Indians had good ground for complaint, and in some instances had almost been goaded into hostilities, but he also realized that the only safe and sensible course for the Indians to pursue was to seek redress through peaceful channels, because war inevitably brought him into condition much worse than those from which he would try to extricate himself by a show of force and such barbarous and cruel practices as accompanied an Indian insurrection.

Concerning the Christian Indians who were members of the tribes engaged in the Little Crow hostilities of 1862, in Minnesota, there exists a statement made

by Rev. John P. Williamson, a Presbyterian missionary, who at that time with Rev. S. R. Riggs, both for two score years since conducting Christian missions at the Santee Agency, opposite Springfield, Dakota, and at the agency of the Yankton Indians, was living at Yellow Medicine Agency or on the Yellow Medicine Reserve, in Minnesota, and had charge of the religious instruction of the Sioux engaged in that insurrection.

There were 4,000 Sissetons and Wahpetons on the Yellow Medicine Reserve, and there were also about twenty-four hundred Mdewakantons and Wahpekatus who, at the time of the massacre, had their agency at Redwood. Their principal chiefs were Little Crow, Little Six, Mankato, Wabashaw, Wakute, and Red Legs. It was the Mdewakantons who commenced the massacre. There were but few Christian Indians at that time. Not half a dozen among the Redwood Indians, and not over a score among the Yellow Medicines were members of the church. I have not seen the evidence that one of these was connected with the massacre.

Subsequently Reverend Williamson stated:

I have seen the evidence that a large number of them were very actively engaged in their efforts to befriend the whites. Taopi, Good Thunder, and Napesin, the most active friends of the whites among the Redwood Indians, were the Christian men of that tribe. And among the Yellow Medicine Indians, Otherday is noted as having rescued a party of over sixty. Caske Hopkins and Big Fire aided another party of over forty in their escape. Lorenzo rescued two captive families and led them for days through hostile ground until he reached our lines. Simon recovered a captive woman and children and took them fifty miles to Fort Ridgeley, at great peril. Paul, in the face of the death penalty, rose in public council and pleaded the cause of the whites.

These were prominent members of the church at Yellow Medicine. As all of these tribes had been removed to Dakota, some of them to reservations where they were being taught the arts of civilization, while others were in the hostile force that was led by Sitting Bull in the far North, the statement of the reverend missionary was made partly with the view of showing that the tribes occupying reservations in proximity to the settlements were of the better sort of Indians and not at all inclined to insurrection. Reverends Williamson and Riggs worked under the auspices of the Presbyterian Missionary Society.

The Catholics were in the majority in the settlements on Red River country which were located principally on the Pembina River. Rev. Father Balcourt estimated that the Selkirk colony consisted of about seven thousand souls, probably nine-tenths of them partly Indian, and that they were divided among religious denominations in the proportion of a little more than one-half of the whole number Roman Catholics; the remaining nearly one-half, divided between the Church of England (Episcopal), Presbyterians and Methodists.

Among the Sioux Indians west of the Missouri River, the Roman Catholics appeared to be most in favor, if one is permitted to judge this preference from the frequent expressions and requests of the leading chieftains, nearly all of whom who spoke of the matter requesting that Catholic missionaries be sent to them.

The Sioux east of the Missouri, including the Santees, Yanktons and Sissetons were favorably inclined toward the Presbyterians.

The Catholics, however, had gained an ascendancy with the red people of the generation existing during Dakota's early territorial days through the labors of such zealous priests as DeSmet, Marty, Balcourt, and probably Genin, and many less distinguished, who appeared to push their missionary work with unflagging industry, tireless in their adventures from tribe to tribe and village to village. They were, moreover, friends of the savage in every commendable way, acting as physician, for the body as well as the soul, always counseling peace, and interceding with the Government at times for leniency toward the warlike but penitent. The Catholics were sincere advocates of the peace policy when counseling the Indians, illustrating before them in every way that would

appeal to their understanding, how they were always the losers by hostilities, and gainers by remaining at peace.

The Indian in his wild, untutored state appears to have an intelligent conception of a Great Spirit—a Supreme being, and a future home which he calls the Happy Hunting Ground, to which he will journey when he dies. He must therefore have a belief in the immortality of his spirit. And it would seem from the aggregate of his religious beliefs in a future, that he has received them from an ancestry who had a clearer and more perfect conception of the future life as Christians view it, than is now found among the unenlightened aboriginal peoples. This leads to connecting the race, at some early period of the world's history, before it found its way to this continent, with a higher civilization and enlightenment.

In the following sketches from the real life of the native American Indian, he is shown as having a religious side, and the interesting statement of Spotted Tail's theology exhibits him as something of a profound student of theological subjects. When the question is asked, how can a human being having any regard for a humane religion be guilty of the atrocities committed by Indians upon helpless whites in war or when out on their predatory excursions? It can be answered, as the Indian views it that these inhuman butcheries of the whites are not wrong, and no more do the whites regard as wrong the inhuman cruelties practiced in emergencies by whites upon brother whites. Spotted Tail's statement of his religious belief, herewith given, indicates that he does not regard the killing of a white person by an Indian as wrong.

SPOTTED TAIL'S THEOLOGY

The famous Indian chief, Spotted Tail, grand sachem of the Oglala Sioux, and together with Red Cloud of the Brules, the most influential Indians and chieftains among the Sioux, had a theology somewhat original and indicated that he had given considerable thought to religious matters. He was induced to state his belief during the trying times which accompanied the negotiations preliminary to opening the Black Hills and the removal of the Sioux to the Indian Territory was being discussed by both the Indians and the Great Father and his advisers at Washington. Through an interpreter of his own choosing, he said:

Most Indians believe in the Great Spirit in a heaven and in a hell. They are all unbelievers, and think that when they die they are no more, just like the deer and the horse. There are but two worlds—the one in which we live and that one where the Great Spirit dwells. The Spirit World is more than ten thousand times larger than this; its hunting fields have no end, and the game there is inexhaustible. Its flowers are ever blooming and fragrant than any we have ever known, and its maidens are as lovely as the clouds before a setting sun, and never grow old. The land does not have to be cultivated there; but every kind of good fruit and in the greatest abundance here and there and vines, waiting to be plucked. Nothing ever dies there, and the want of all things there are constantly and forever supplied without the necessity of any work. All good men, whether they are white or red, go to heaven, but a great difference will exist between the conditions of the races of men and individuals there and what they are here. Everything nearly will be reversed. The wealthy here will be poor there, the powerful and great here, will be humble there. The Indians who have been oppressed by the malignance and skill of the white man here, will have a happy home there. Everything which has been taken from them here will be given to them there. Then the Great Spirit has been on the white man's side; there He will lean to the cause of the Indians, and they will fight it out, and we will not be driven from our hunting grounds like the deer and the copper wolf. Then bad men of all nations will go down into the center of the earth and be excluded from the Spirit Land.

Here the speaker was interrupted by one of his listeners, who remarked: "You say that when your people die, they rot like the horse and dog, and their bodies go into the earth, the air and water. How is it that you are to go to the Spirit Land and be something there as individuals very much after the same manner that you are here?" To which the chief replied:

"We go there as spirits, and there get new bodies which the white man cannot kill."

The chief was then asked if he had not heard through the missionaries of Jesus Christ, the son of the Great Spirit? to which he answered:

Yes, I have heard all about Him; how good He was; what great things He did; how He would help the bad man to be good; how He would lead all who would listen to Him to the Great Spirit, His Father; and I have also heard how the white man killed Him. The Indian never would have done that; he never would have murdered the Son of the Great Spirit. He would rather have loved Him better than his own life; would have given Him anything and all he had, and for Him would have gone upon the warpath and conquered the world. It was for a long time after I first heard about Jesus Christ, that I did not understand how the white man could have killed Him; but when I got better acquainted with the whites, when I realized the fact that they had no respect for the rights of the Indian; would take away his home where he was born, murder him and his children, despoil his women, and rob him of his winter's food, I then very readily understood how they would even kill the Son of the Great Spirit, as they did.

TOMAHAWK'S FAITH

General O'Brien, stationed at the Standing Rock Agency, Dakota, in 1876, told an interesting story in relation to an Indian at Standing Rock known as Tomahawk. This Indian became a convert to religion some years ago, and has since lived an exemplary life, guarding with a jealous care, apparently, every thought, as well as word or deed, lest the Great Spirit, being displeased, should refuse to smile upon him. Tomahawk had adopted the arts of peace, was cultivating the land and was getting around him cattle and swine, as well as ponies and children, and was anxious to train the latter up in the ways of the white man, as well as in the nurture and admonition of the Lord. Tomahawk had a Bible, which from its worn appearance indicated constant use. On inquiry, it was found that morning, noon and night, this untutored Indian sat down by his fire-side—a comfortable log cabin—and beginning where he left off at a former sitting, traces the lines slowly, as if reading, page after page, and when he gets through turns a leaf, beginning again where he left off. After, in this manner, passing through the Bible, he begins again at the first chapter and again passes through it in the same manner. In explaining why he does this, he said:

This is the Word of the Great Spirit, and when I do this He sees me, and knows I want to read His Word, and it makes me happy; and then, when I go to my work, or out on the hunt, I remember that He is good to me, and it makes me happy to think He will again smile upon me when I return to read His Word, and then I can live in the sunshine of His heart. I want my children to learn to read this book, and then I will have them read it in the white man's tongue, and tell me in Sioux what the Great Spirit says; and it makes me happy to think this.

Tomahawk, it seemed, though unable to read a word, had found the true secret of happiness—love of God, and confidence in His promises.

The annual meeting of the Dakota Presbytery of Indian Churches was held in 1875, at Santee Agency, Neb., opposite the City of Springfield, Bon Homme County. The meeting began at 6 o'clock P. M., Thursday, June 18th, and held until the following Monday noon. There are nine churches in the Presbytery having an aggregate membership of over eight hundred. One is at the Yankton Agency; one at Santee Agency; one at Flandreau; and the others on the Sisseton and Wahpeton reservation, in the vicinity of Fort Wadsworth on the Coteau des Prairies. All the churches were well represented, there being more than two hundred visiting Indians. These churches are all under the supervision of native pastors, and they were all present but one; who was too busy building a church to allow him to be present. The elders and deacons of the churches were also present, as well as several teachers in the various schools. During the sessions various questions of interest were discussed in a very intelligent manner. The subjects were the same that interest members of churches of the whites, such as "How Best to Keep the Sabbath," "The Sanctity of the Marriage Relation," "The Best Way to Carry on Missionary Work Among Those Who Have Not Heard

the Gospel." No fair-minded white person could have witnessed the proceedings of these meetings without imbibing a very favorable impression regarding the capacity of the Indian for civilization and christianization. Twelve years ago nearly all these people were in Minnesota, and many of them may have participated in the Little Crow massacre of that time. They are now, to all appearances, safely on the road to become useful citizens of the United States, and possibly as good citizens as the average of their white brothers.

The Congregational Association of Dakota was held in the Indian Church at Santee Agency, Nebraska, in 1873, as a compliment to Rev. A. L. Riggs, who was a Dakotan as well as a Nebraskan. Rev. Joseph Ward represented the mother church of Yankton. The proceedings and services were conducted partly in the Indian language and as the Indians who attended formed the greater part of the assemblage, there was much of interest in the conference for the pale faces. The Indians sung a number of hymns which had been popular in the church for half a century and had been translated by Mr. Riggs, and there was more expression and spirit and voice in their singing than would be found in an exclusively white gathering. There was an earnestness about everything in which the savages took part. A large number of Indian children were brought to the altar and consecrated to God in baptism; the Sacrament of the Communion was also celebrated in which the Indian participants were surprisingly numerous.

A CUSTER INCIDENT

General Custer related this incident which occurred during his Black Hills expedition in 1874.

It was during one of our resting days in camp. I was seated alone in my tent when suddenly, as if from the rocks and forest of that beautiful region, I heard the grand old "Old Hundred" burst forth from a score or more of manly voices. Then followed the equally familiar hymn, "Rock of Ages," and others not less known. Cavalrymen are not noted for their hymn-singing qualities, and I slipped outside my tent to discover from whom this music came. It was from a group of Santee young men, my scouts, and I shall long remember the pleasing effect produced by hearing these good old hymns sung, as I then heard them, by men, or the sons of men, who but a few years ago roamed over this country in a state of barbarous wildness. So much for the labors of Christianity and civilization.

Rev. Joseph W. Cook, of the Yankton Agency, in February, 1876, wrote:

Yesterday I received the chief, Medicine Cow, into the church by baptism. Black Bull, another chief, rode fifteen miles through a snow storm to be present at the ceremony. Henry Swan, also a chief, rode six miles for the same purpose. Five out of eight Yankton chiefs are now members of the church, and Mad Bull, who died three years ago, was a member.

It is related by R. S. Alexander, of Dell Rapids, that in 1872 quite a number of Indians visited that frontier hamlet with furs to barter for supplies. Alexander had the privilege of singing Old Hundred with two of them accompanied on the piano by Mrs. William VanEpps. The Indians sang out of their own hymn book and Alexander used an English version. The Indians sang well and the two languages harmonized quite well in sound. The Indians sang soprano, but were not aware of it, Alexander sang bass, and Mrs. VanEpps, alto. Mr. Alexander would run over an old tune, and the Indians would each turn to the hymn in their book which they sang to that tune. The music was continued for some time, but did not exhaust the repertoire of the red people, who came into Dell Rapids with a fine yoke of cattle and a large sled, the sled being one of their own manufacture, somewhat rough but strong and serviceable.

RECTOR WARD'S REPORT ON DAKOTA CHURCHES

The American Board of Domestic Missions held their annual session at Milwaukee in October, 1878. Rev. Joseph Ward, pastor of the First Congrega-

tional Church, of Yankton, submitted the report on Dakota missions, which appeared to elicit more interest than any other topic presented for the consideration of the board. The report was made on the authority of a committee to which the Dakota missions had been committed, and as it incited a spirited debate was recommended without definite action.

The report stated:

The work in Dakota has been progressing with a gratifying proof of the power of the gospel to regenerate the wildest Indian. The committee rejoices at the translation of the bible into the Dakota Indian language, and wish to bring before the members of the churches points which should be kept continually in mind. The Indians are not dying out, but increasing, which can be conclusively proven by a single glance. If they are to remain among us and form an essential part of our national life, it becomes necessary to adopt plans, not only to work harmoniously for the present but to look far into the future. Christian people have no longer the right to cherish the hope that the Indian question is going to be settled by visitation by God, or through the agency of disease. We will not believe they ever felt it should be settled by extermination. The policy of massing the Indians in great numbers by gathering them into the Indian Territory, and a few large reservations, is fatal to true progress. It sounds plausible, but if it were possible, it is not right. It cannot be done without disregarding the rights of every tribe. Two things urge the adoption of the plan, the greed of the white man for Indian lands, and the half sentimental way of looking at the question held by too many good people. It is a dream of many to find a wholesale way of Christianizing the Indian. It is a beautiful theory to let the job be done by contract in a lot, and have them away from us by themselves. We must not forget our children's interest in this land, with Indians, Germans, Irishmen, Scandinavians, Chinamen, etc. Since they are to remain and form a part of the nation, the sooner legislation recognizes and conforms to this fact the better for them and us. We should do all in our power to secure proper legislation, so that the Indians everywhere shall have the privilege of taking and holding public lands like other citizens. They should be placed under the same laws that protect us, and punished the same as the whites.

It is to be regretted if any religious body felt that it had the exclusive right to give missionary instruction. As the American missionaries furnished the true solution of the eastern question, so the missionaries of this board wrought the solution of the Indian question. This country applied the gospel faithfully and the gospel solved it. If the Indian can't be saved we are all lost. Now is the time to press forward, because if we do not lift the Indian up, with citizenship, he will be dragged down into barbarism. Their treatment is the loadstone of national honor. Greater work can be done than in Turkey.

The memorial of the Dakota Mission, submitted by Doctor Ward, asked the board to testify against any monopoly of missionary rights established by civil authority, favoring some and excluding others from certain fields.

Second—While we recognize the advantages that have resulted to the Indian service from the plan of giving to religious bodies the selection of Indian agents, we are constrained to say it should be abandoned. Its special usefulness is now past, and its continuance is to risk odium and damage to the Christian church, entailing political responsibility, which is burdensome and dangerous and not in accord with the genius of our Constitution.

Third—The true civil as well as spiritual regeneration of the Indian tribes is by the power of the gospel, and now is the time to push forward mission work among them.

CHAPTER LXI

COST OF WAR AND PEACE COMPARED

SECRETARY DELANO EXPLAINS PEACE POLICY—GENERAL SHERMAN IN 1874—GENERAL SHERMAN'S VIEWS—COST OF WAR COMPARED WITH COST OF PEACE—WITHDRAWING PUBLIC LAND FROM MARKET TO PREVENT THE SPIRIT AND EFFECT OF

In 1873 a formal statement was made by the secretary of the interior in explanation of the plan, purpose and scope of what had become known as the Peace Policy. There was considerable agitation throughout the country regarding the opening of the Black Hills. The pressure for the transfer of the Indian bureau to the war department was most acute; and the secretary explains, as his purpose in making the statement, that "the public mind is sought to be confused by criticism and misrepresentation as to the real purpose animating the Government in its course toward the Indian tribes," hence he deems it best to present the Government's position, as follows (Mr. Columbus Delano was then secretary of the interior):

First—The "Peace Policy" proposed to place the Indians upon reservations as rapidly as possible, where they can be provided for in such manner as the dictates of humanity and Christian civilization require. Being thus placed upon reservations, they will be removed from such contiguity to our frontier settlements as otherwise will lead necessarily to frequent outrages, wrongs, and disturbances of the public peace. On these reservations they can be taught, as fast as possible, the arts of agriculture and such pursuits as are incident to civilization, through the aid of the Christian organizations of the country now engaged in this work, acting in harmony with the Federal Government. Their intellectual, moral and religious culture can be prosecuted, and thus it is hoped that humanity and kindness may take the place of barbarity and cruelty. If a majority of the people of the United States prefer extermination to the course here indicated, and desire to see all the Indians and bloodshed and loss of life among both whites and Indians sacrificed in the name of extermination, then it is well enough to denounce in vague and general, if not unmeaning terms, the "Quaker Policy."

Second—Whenever it shall be found that any tribe or band of Indians persistently refuse to go upon a reservation, and determine to continue their nomadic habits, accompanied with depredations and outrages upon our frontier settlements, it is the policy of the President to treat such band as hostile, and all necessary measures to punish them for their outrages, according to their merits, and to remove them from the frontier, follow the advice of the Government and go upon reservations and become civilized, rather than continue the same habits and practices. It is the policy of the President to encourage to the Government an example for the treatment of such tribes, by the Indians who accept the beneficent purposes of what is termed the "Peace Policy." It is the policy of some so impressed with the necessity of non-resistance as to refuse to the Government Indians under the circumstances last referred to, if there be any such, they will, I feel assured, have no opportunity for complaining because the policy is not peaceable enough.

Third—It is the determination of this policy, that all supplies, of whatever kind and nature, whether for food or clothing, purchased for the Indians, shall be furnished to them at peace, are procured at fair and reasonable prices, and that the Indians, when these supplies may receive the same without having the funds of the Government squandered in their purchase. If there be any whose voracity can be interpreted by being absorbed in the profits which speculation or peculation may have hereupon, and if such persons for Indians, such persons will find abundance of means to acquire money, the "Peace Policy" deprives them of the opportunity of doing so, and thereby sustains and encourages business.

Fourth—It is the purpose of the Government, as far as possible, to promote the civilization and by the advice of the religious organizations, and by all other means, to

its power, to procure competent, upright, faithful, moral and religious agents, to care for the Indians that go upon reservations, to distribute the goods and provisions that are purchased for them by the benevolence of the Government, to aid in their intellectual, moral and religious culture, and thus to assist in the great work of humanity and benevolence which the peace policy means. If there be any who are thus deprived of Government positions and office that have hitherto afforded large profit without labor, and without merit, and who are to be prevented in the future from defrauding Indians for their own personal gain, those persons may complain of the Quaker policy and demand extermination.

Fifth—It is the purpose of the peace policy to establish schools, and through the instrumentality of the Christian organizations, acting in harmony with the Government, as fast as possible to build churches and organize Sabbath schools, whereby these savages may be taught a better way of life than they have heretofore pursued, and be made to understand the comforts and benefits of a Christian civilization, and thus be prepared ultimately to become citizens of this great nation.

These I understand to be the purposes of the President's peace policy, and this seems to be the occasion when it ought to be studied as to be so understood; for I believe that when understood there are few American citizens who will find the heart to condemn it. I also feel at liberty to say that, as here explained, it has the approbation of every member of the President's cabinet, and that the secretary of war and the secretary of the interior will hereafter, as they have heretofore, act in perfect accord and with perfect sincerity in endeavoring fully and completely to carry out and execute this policy.

Very respectfully yours,
C. DELANO.

SHERIDAN'S REPORT

The annual report of Lieut.-Gen. Phil. Sheridan, in 1874 (who had succeeded General Sherman in command of the Department of the Missouri), to the secretary of war, exhibits the situation during the Black Hills excitement as viewed by the second in command of the army establishment. The following excerpt from the report gives the portion only that refers to Dakota matters, and takes up the transfer of the Indian bureau to the war department. The language of the report is characterized by that audacious frankness which was a distinguishing feature in whatever the gallant soldier wrote officially, or uttered in his brief speeches. We quote:

In the Department of Dakota the military have had the double duty of protecting the settlements from the raids of hostile Indians and the Black Hills country from occupation by miners attracted there by real or imaginary mineral wealth in the soil.

I earnestly recommend some action that will permanently settle the Black Hills question and relieve us from an extremely disagreeable and embarrassing duty. I feel quite satisfied that all the countries south of the Yellowstone River, from the Black Hills of the Cheyenne as far west as the Big Horn Valley, and perhaps as far west as Clark's Fork of the Yellowstone, is gold bearing, but as to the amount of gold deposit I cannot say; it may be great or it may be small. This area is also well timbered at many places; has many beautiful valleys of rather high altitude, with good soil and abundance of running water. Nearly the whole of it is well adapted to grazing purposes, the grass being principally bunch grass, with so little rain in the fall and winter as to let the grass cure on the ground and make better hay on the stalk than if cut and cured in the usual manner. The winters are, I have every reason to believe, very cold, but the temperature is uniform; and cold weather is found to be less injurious to stock, where there is no shelter, than a milder climate where the cattle are subjected to the changes of alternate freezing and thawing, and where the rains rot the grass. I make this statement from having studied this country for a long time, and in order that my superiors, who will before long have to deal with the question of the Black Hills, may be able to better appreciate the interests of all concerned, be they white or red.

The Sioux Indians, numbering about twenty-five thousand, now hold this extensive and perhaps very valuable country, and, in addition, the belt eastward from the base of the Black Hills of the Cheyenne to the Missouri River, which would make about ten thousand acres of land for the head of each family, and perhaps much more, without one single acre being cultivated, while the maximum amount given to one adult white settler by the Government is only 160 acres, on which he has to live, build a hut, put up fences, till the ground, and pay taxes. Hence much of the trouble of protecting Indian reservations; the hardy pioneer having very little consideration for the red man, who has so much, and is still so idle and worthless. It would have been better if the Indians had been considered a part of the population of the United States, and dealt with generously, and when forced on reservations, which is always the case, let them be reasonable in size, subject to especial rule and government, until they are fitted to obey the ordinary laws of the country for the control of all

The observation of many years in my own command, and throughout most of the Indian country for the last twenty years, has left the impression that this system of civilizing the wild portion of Indian inhabitants has not met with a success which gives a fair equivalent for the expense, trouble and bloodshed which has attended it. I believe there is true humanity in making the reservations reasonably small, dividing them into tracts for the heads of families, making labor gradually compulsory, and even compelling the children to go to school.

To meet the troubles which will originate from the Black Hills question, and be in advance of them when they come, and be better able to deal with them, I directed, without expense to the Government, an exploration of the Yellowstone River last spring, and selected two sites for military posts, one at the mouth of the Big Horn, the other at the mouth of the Tongue River, both in the Valley of the Yellowstone. These stations can be supplied by steamboats and will have so important a bearing on the settlement of the Sioux Indian question, that I earnestly recommend that Congress be called upon to give authority for their establishment, and the necessary funds for their construction.

GENERAL SHERMAN'S VIEWS

The peace policy now being pursued by the Government, with every appearance of success, could not and would not prosper unless a greater show of force was mingled with the milk of human kindness with which the powers that controlled were endeavoring to tame the untutored savage. Speaking of General Sheridan's command, which included Dakota, the report states that it "embraces a country 1,500 miles long by 1,300 miles broad, and that within the preceding ten years the vast region had undergone a radical change. From being a pasture field for millions of buffalo and other game, affording abundant food for the Indians, it had passed into a farming country traversed by a number of railroads. Game has been driven off and the Indians forced on to small reservations. Nearly all the Indian treaties were made on the theory that this change would occur more slowly and that the Government would have to furnish but partial food for the Indians, who would procure a half or a quarter of their necessary meat by hunting, and it was further noted that the Indian would see for himself why he should cultivate the ground like the white man, but his progress in this respect is hardly perceptible, save in remnants of tribes like the Sisseton, Pawnees, Cherokees, while the Sioux, Cheyennes and Arapahoes prefer idleness to the common toil of the farmer. It was hunger, the report claimed, which drove the Cheyennes and Bannocks to war the preceding summer, and similar escapades will occur each year unless the Indians are kept quiet with more food. It seems idle to expect that the enterprising white race will cease their encroachments until every foot of land on the continent susceptible of cultivation is reclaimed; and it is not to be expected these parties will ever be used by the two races without continual conflict. The reservations set apart for the Indians are large enough, and should suffice them to raise all the food and grain necessary for their subsistence, but in the meantime, unless they are persuaded to do so, they will steal and fight. To convert these Indians into a pastoral race is the first step in the upward march of civilization. In this direction is the sole hope of the Government, but it is a long way from utter annihilation. This end cannot be reached by means of the present policy, because persuasion is wasted on an Indian." "By the way," the report continues, "it is a show of force, but actual force and subjugation will not be sufficient to induce the nomad to cultivate his own ground."

The general had found that there was a wide difference among the tribes and that each tribe must be dealt with according to its habits and that large bands of nomadic food should be lodged with the President or some other person. Some tribes will fight and the army cannot foresee or prevent these wars. All except the nomadic Indians must be put out to plunder or steal and murder harmless families, to burn and capture the houses, to conduct them back to their reservation and turn them loose to return to the reservation.

libitum. "The way to continual peace, the general urged, was through the Indian's stomach; but this would not incline him to habits of industry—force must be added if this was to be brought about."

COST OF PEACE OR WAR POLICY

It was far cheaper to keep peace with the Indians, but whether any policy could have been adopted at a date earlier than recorded, that would have prevented the occasional recurrence of outbreaks among the savages of such a serious nature as to demand the interposition of the army and a campaign of costly war, cannot be freely conceded. The army was the only power that could have brought the Sioux to sue for peace after the Little Crow outbreak in 1862, and the succeeding three years of war. The hostile Indians, brought to the verge of starvation, were glad to invoke the pardon of the Great Father. This they would not have done at the beginning of the outbreak, for that uprising was partially, at least, due to the belief among the Indians that owing to the great Civil war then prevailing, they had an opportunity to strike a blow that would drive the palefaces from the frontier and give the Indians back the lands they had ceded. Neither would the olive branch have been successful if presented to Sitting Bull, the terror of the Yellowstone country for a number of years.

One of the most potent factors in securing a footing for the Peace Policy with the better class, that is the more intelligent, but not therefore peace-loving, was the practical exhaustion of their hunting grounds and the growing scarcity of buffalo and other game upon which they had largely subsisted through many generations. The whites had peopled the land and the locomotive engines with their long trains of cars rumbling through the prairie combined with the shrill screech and whistle of the locomotive, had accomplished a large part in bringing the Indian to realize that if he would exist at all, he must exist as a civilized being.

The question of economy in past management of the Indians must be viewed from both the standpoint of peace and war to get a fair conclusion. There was no just way to measure the cost when a year of war was taken and compared with a year of peace. As a matter of course war was enormously expensive, and unavoidably so, but it was at times necessary in order to subdue the Indians and bring them into subjection, and would have been just as expensive had the campaigns been under control of the interior department. The waste of war is enormous; but a peace commission would probably have lost their scalps had they been sent among the hostiles with their olive branch in 1862, 1863 or 1864, or at any time prior to the complete overthrow of the Indians by the military, and the conviction forced upon them that death by starvation would be their portion if they could not find a way to make peace again with the Great Father. It could be no disparagement of the valuable services rendered by the army to show the excessive cost of a military campaign over that of a year of ordinary peace and quiet. Nevertheless, comparisons, based on the cost of Indian administration were made by those in authority who measured the difference in cost unfairly in endeavoring to draw a parallel between the cost of war compared with that of peace; when to be just, the cost of war should have been added to the cost of peace, for the military campaign had been rendered necessary to subdue the hostility of the Indians which had been aroused and set aflame under the so-called peaceful administration of the department of the interior. A few years of peace was almost certain to be terminated by a war, which was the result of a half dozen causes—Indian depredations; peculations of thieving Government employees; failure to observe treaty stipulations, but seldom could the cause be traced to the door of the army.

The argument of cost was, however, a weighty one, though sometimes considered from an erroneous or unfair point of view. It never failed to suggest itself when the Indian question was considered. The secretary of the interior

made use of it in the contest pending for the control of the Indian bureau, when in his report to the President he said:

If I were to waive all inquiry as to the material objections of a Christian nation, under such circumstances, I think it would be demonstrably clear that as a mere question of pecuniary economy it will be cheaper to feed every adult Indian now living, even to slothful surfeiting, during his natural life, while his children are being educated to self-support by agriculture, than it would be to carry on a general Indian war for a single year. The shocking barbarities and mutilations of dead persons, prisoners, which are often referred to, are the usual accompaniment of Indian warfare. By preserving peace we may hope to avoid them, and I cannot believe it is beyond the wisdom and resources of a great Christian nation like our own to give a peace policy a thorough trial.

A possible wrong impression may be gathered from this comment of the secretary. While the Peace Policy was probably less costly, if undisturbed by war, it should be kept in mind that the Peace Policy did not do away with the employment of troops. The Government was compelled to maintain an army to enforce the Peace Policy with its industrial feature. The Indians did not take kindly or readily to the alternative that they must work or starve; and when these conditions were insisted upon, the Government understood that it had a force of troops (and the Indians also knew) at a dozen different military posts in the Indian country who could compel obedience and at the same time protect the settlements from offensive retaliatory measures on the part of the Indians.

The military authorities should not be held responsible for the causes which brought on the Indian wars; and acts of imprudence in their official intercourse with the Indians were seldom alleged. It may be seriously questioned whether the Sioux Indians would have accepted any arrangement that obliged them to abandon the chase, and become in a measure self-supporting, with its attendant conversion to civilized methods of living, at any time prior to the Civil war. So long as they had land to hunt and roam over and to treat for, they were never in a mood to consent to any restriction of their native liberties. It was conditions of this nature that were difficult to surmount—that prevented the application of the power of the Government to force them to abandon their wild life which of itself meant everything but peace and industry. The army it would seem had ever been the mainstay of peace—and none knew this better than the Indians. Without the army in the background, where the Indians could almost feel its power, it is extremely doubtful whether the Indians would have agreed to a peaceful relinquishment of the Black Hills.

It is doubtful whether the Government, or even the peace societies, would for a moment have considered making the proposition to the Indians involving their change of life from free hunters, trappers and warriors to the more arduous and disagreeable pursuits of civilization, without considering the power it possessed in its military arm, which was strategically distributed all through the Indian country, in permanent forts and camps, and never better qualified and prepared from actual experience, to prevent hostilities and quell insurrections.

The object, and the sole object, in maintaining this costly army on the frontier, was the control of the Indians, therefore the cost of the peace policy must include the expense of maintaining the army at Forts Randall, Thompson, Hale, Sully, Bennett, Rice, Yates, Totten, Lincoln, Stephenson, Buford, Union, Ellis, Phil Kearney, Meade, Pembina, Abercrombie, Laramie, and Niobrara, not to mention a number of camps established for patrol stations.

When everything is considered it will probably be found that the cost of the peace or industrial policy was not a dominant factor in its favor. It was approved because it was the most humane and better suited the principles and purposes of a Christian nation; but more important from a material view, it held out the substantial promise to uplift the nations of savages whom the Government had contended with for nearly a century, place them upon a plane where they could be a useful element in the citizenship of the country, and in process of time relieve the Government and the country of the care of the Indian

altogether, by educating and disciplining him to support and maintain himself as white people do. There is no longer a reasonable doubt that the policy will work out in this way—it being only a question of time—rather indefinite—when the Indians will all be numbered among the industrial and self-supporting peoples of this country, and the blanketed or naked warrior, and his tepee, will be only a tradition.

ADDITION TO THE BIG SIOUX RESERVE

On the 11th of January, 1875, President Grant issued a proclamation withdrawing a large area of lands in Dakota, from market. The lands thus set aside were ostensibly for the use of the Indians whose colossal reservation covered the whole territory west of the Missouri, but those Indians were not expected to occupy them or use them in any way. The purpose of the Government was for the time being to place the country along the Missouri on the east side under the control of the interior department, and thus prevent its occupation and settlement by the whites, although a considerable settlement had already been effected in Charles Mix, Brule and Buffalo counties; and as by the withdrawal and annexation of the tract to the Sioux reservation it would be Indian land and subject to control by the Interior Department, it was expected that it would put a stop to the surreptitious introduction of intoxicating liquors into the Indian country. The lands withdrawn were thus described in President Grant's proclamation:

Commencing on the east bank of the Missouri River, where the forty-sixth parallel of north latitude crosses the same; thence east with said parallel of latitude to the ninety-ninth meridian of longitude west from Greenwich; thence south with said meridian to the east bank of the Missouri River; thence up and with the east bank of the Missouri River to the place of beginning. Said lands are hereby set apart for the use of the several tribes of the Sioux Indians, as an addition to their present reservation in said territory.

Included in the tract so withdrawn was the northwest corner of Charles Mix County; the west two-thirds of Brule County including Brule City; nearly all of Buffalo County; all of Hughes, Sully, Hyde, and more than one-half of Hand County; all of Walworth, Potter, and Campbell counties, and nearly all of Faulk, Edmunds, and McPherson counties, in the southern part of the territory; and the southern portion of McIntosh and Emmons County, now in North Dakota. This occurred about a year before the Black Hills treaty was negotiated, and gave to the Sioux nation the country above described and all of the later State of South Dakota west of the Missouri River, and all of the later State of North Dakota south of the Cannon Ball River—or nearly one-half of the Territory of Dakota.

A later order made a further addition to the reservation on the north, as follows:

EXECUTIVE MANSION, D. C., March 16, 1875.

It is hereby ordered that the tract of country, in the Territory of Dakota, lying within the following described boundaries, viz.: "Commencing at a point where the 102d degree of west longitude intersects the forty-sixth parallel of north latitude; thence north on said 102d degree of longitude to the south bank of the Cannon Ball River; thence down and with the south bank of said river to a point on the east side of the Missouri River, opposite the mouth of said Cannon Ball River; thence down and with the east bank of the Missouri River to the mouth of Beaver River; thence up and with the south bank of Beaver River to the 100th degree of west longitude; thence south and with the said 100th degree of longitude to the forty-ninth degree of north latitude; thence west with said parallel of latitude to the place of beginning," be and the same is hereby withdrawn from sale, and set apart for the use of the several tribes of Sioux Indians, as an addition to their present reservation in said territory.

U. S. GRANT, President.

By command of Brigadier General Terry.

O. D. GREENE, Assistant Adjutant General.

The purpose of this order, and a similar one affecting lands in the North, withdrawing from sale and setting apart the same for the use of the Sioux

Indians, was stated by Edw. P. Smith, commissioner of Indian affairs, to aid in the suppression of the liquor traffic with the Indians on the Missouri River; but the order was not to affect the existing rights of any person resident within the limits of the territory withdrawn. The order was to be rescinded as soon as the cause of it was abated.

All the lands so withdrawn by executive order were restored to the public domain by proclamation of President Hayes, under date of August 9, 1879.

The lands included the country embraced in the territory north of the Yankton reservation to the forty-seventh parallel, and east of the ninety-ninth meridian of longitude; taking in the counties of Logan, Emmons, Campbell, Potter, Walworth, Sully, Faulk, a large part of Hand, Edmunds, McPherson, Brule and portions of Hughes, Hyde, Buffalo and Charles Mix counties.

CHAPTER LXII

CHIEF STRIKE-THE-REE MAKES A SPEECH

HON. WILLIAM WELCH AND OTHERS VISIT INDIANS—INDIAN TREATS WITH INDIAN—THE INDIAN TALKS—THE OTIS TREATY—COMMISSIONER SMITH AND THE YANKTONS—STRIKE-THE-REE'S VIEWS, AND THOSE OF OTHER FAMOUS SACHEMS—IMPORTANCE OF BLISTERED HANDS.

William Welch, Esq., of Philadelphia, Doctor Paddock and Colonel Kemble, composing the executive committee on Indian affairs of the Episcopal Church, with Mrs. Rumney, a devoted missionary, were engaged in investigating the condition and progress made by the Indians at Crow Creek, Cheyenne, and Lower Brule agencies, during the summer of 1872. For the purpose of showing the nature and scope of the authority possessed by the representatives of Christian denominations in Indian affairs at that time, which is referred to in the excerpt from President Grant's message already quoted, the following report by Mr. Welch is given. From this it appears that not only the management of Indian affairs in a general way, including their religious instruction, but all matters affecting the welfare and rights of the red people was under the jurisdiction of the Episcopal denomination in Dakota:

While finding the Indians in a peaceful mood and their general condition encouraging, the committee stated that the four following causes of annoyance naturally disturb the Indians, who, Mr. W. stated, had been wronged "so often that they are suspicious of every white man until his friendship has been tested:"

First—The proposed expedition to the Black Hills for the purpose of taking, by violence, property held by the Indians under a title as sacred as any that can be given by the Government of the United States. (This expedition had been forming at Sioux City in 1872, but as a public enterprise had been abandoned because of a prohibitory edict from the army authorities.)

Second—The Indians allege that the telegraph line to Fort Sully was placed on their lands without consent being first obtained, and some cases where Indians sold telegraph poles they had been deprived of part of the purchase price. As this telegraph line is important to the Government, the Indians should be paid or their irritation will increase and they will continue to break the glass insulators. As telegraph lines often precede railroads, these Indians fear that a railroad up the Missouri is also to be forced upon them.

Third—The Indians very properly claim that they should be conferred with and an equitable arrangement made with them before the Northern Pacific Railroad crosses the Missouri River and drives the game, upon which they subsist, from the fertile valleys of the streams, including the Yellowstone and its tributaries. The Peace Commission Treaty of 1868 stipulates that a railroad may go through the neutral ground north of the forty-sixth parallel, yet it also agrees that no person shall dwell in or pass through that region without the consent of the Indians having been first obtained.

Fourth—The just complaints of very high prices that were charged by their traders for supplies we adjusted by promising competitive trading stores. In some instances twice and three times as high a price was charged for the same article on the Upper Missouri as was paid by the same Indians in the lower agencies. The Indians also complain that no good cattle have been furnished them, although promised by the Peace Commission and stipulated for in the treaty. Another cause of complaint will be removed as the agents of the reservations under care of the Episcopal church are directed to enforce Christian marriage or to eject from the reservation any white man who takes a wife after the Indian fashion, whether he be high or low, rich or poor. Our agents have in many instances, at the risk of their lives, closed up or destroyed whisky ranches on or near the reservations. Steamboat owners are asked to prevent the landing or vending of intoxicating liquors near the

reservations. In the sensitive condition of the Indians, before the important questions enumerated are settled, a drunken brawl may stir up an Indian war.

INDIANS TREAT WITH INDIAN

One of the first fruits of the peace policy, and in pursuance of the stipulation in the treaties, was that the Indians would endeavor to live in peace among themselves; and furthermore encouraged thereto by Col. Elmer Otis, commanding at Fort Rice, D. T., and a wise and prudent commander, a treaty of amity was concluded in the summer of 1870, between certain northern tribes composed in part of the Sioux or Dakota nation of Indians, and the Arickarees, Gros Ventres and Mandans, three smaller nations, not Sioux, whose local habitation was at Fort Berthold. A deadly hostility had existed between these nations for many generations, in fact their traditions revealed no period when they were not enemies; but under the influence of such measure of civilization as they had imbibed from association with the whites, and moved thereto by their late treaties to abstain from war with each other, aided by the prudent counsel of the Christian commander mentioned, they now have become willing subjects of the Great Father and the white Government subsisting largely on the generous store of supplies furnished them by the white man's Government—were persuaded that it was for their welfare and best interests to cease fighting among themselves, since by fighting they had nothing whatever to gain but everything to lose, for a victory brought them nothing but the empty satisfaction that they were for the time stronger than their opponents, and their wars had never been fruitful of anything but more war, and constant anxiety and vigilance. The Indians admitted that peace would be better for them; and in July, 1870, a grand peace council was assembled at Fort Stephenson, a few miles from Fort Berthold, to which place Colonel Otis conducted fifty of the chiefs and headmen representing the various Dakota tribes who inhabited the northern part of the territory, and here the representatives of the three nations above mentioned, met them.

At the opening of the council, Colonel Otis addressed the Indian delegates through an interpreter, saying:

Friends—We cannot speak your language. I wish we could; so we have to speak to you through interpreters. I have left my station, where duty calls me, to do what I can to establish peace between you. A short time ago the Sioux came to Fort Rice, and declared their willingness to make peace with all people, both whites and Indians. I thought that they were sincere, so came with them to this post. We came here not with any intention of praise, but because we thought it our duty to do what we could to bring about a peace between two such warlike and hostile nations as you have proved yourselves to be towards each other. If you agree upon terms and make peace with each other, I will do what I can to carry out the stipulations to the best of my ability. While I am in the country I shall hold myself responsible for the action of these Sioux, and if they deceive me I will punish them. I don't want to take up the time of the council. I want you to give all the time possible to talk among yourselves. The officers assembled here are friends to all of you, they have your good at heart.

Captain Clifford, the military Indian agent, for the time being of the Upper Missouri Indians, then addressed the council, saying:

In behalf of the Rees, Mandans and Gros Ventres, I want you to know that they have kept the peace with the whites for twenty-six years. When I came here last year they all told that they would not do anything without my advice and consent. They promise that they have fully kept. They have never left on a hunting trip nor anywhere without me (grinned). As an evidence of the manner in which they kept their promise, one of them was accused of shooting at a soldier, when the commanding officer at Fort Stephenson requested that the man should be given up. The Indians used every effort to discover the man, but were unsuccessful. If they made a treaty, I am willing to become responsible for their actions.

"Two Bears," the famous head-chief of the Yanktonnais Sioux, then ~~and~~ the platform, and said:

I am very much pleased to see the white faces so kind. I have long ago made a treaty with whites, and am now ready to make peace with your people (the Rees, etc.). I sent for you to come down to my camp, but you did not come, so we came up to see you, and are willing to shake hands and smoke with you, and make a treaty of peace. I am tired of war; my people are tired of war. We want to live in peace with all men. Our Father has told us that the Great Spirit will not prosper us if we are enemies of each other, and we have found this true. We would frequently starve if it was not for the whites. We have all received food and clothing from them, and now that the buffalo and antelope are scarce, we would starve if the whites would not take care of us. (Here the Indian audience gave their approval with a number of energetic exclamations of "How! How!")

The next speaker was White Shield, the orator of the other nations, Sans Arcs, Mandans, and Gros Ventres, a very dignified, and stately man, who spoke as follows:

I greet the officers, and to these Sioux I wish to say that they have been the aggressors, and should propose their terms first. They have come here. Let them state what they want. We did not send for them. They came voluntarily to us. We have nothing to say until we hear them. If they want peace, why don't they keep their young men at home, and not send them to kill our people and steal our horses? Why don't they stay at home, and not send war parties upon our lands to kill our game and steal our property? ("How! How!" from the party of the second part.)

This called the Yanktonnais chief, Two Bears, again to his feet, when he made this statement:

My friends, I have a desire to make a peace. I can only speak for my own people. My tribes are scattered over a vast country. I cannot be responsible for all their acts when they are so far away from my home; but if any of my young men do anything wrong, I will at once inform the commanding officer and give up the offender for punishment. Our fathers advised us to make peace with the white faces, and advised us to keep that peace; but some of our people are fools. They go on the warpath without the knowledge of their chiefs, and commit horrible crimes. The whole tribe is blamed for it, but if we make a peace, I will deliver those bad men to the white officers. You see, friends, but few of our people are present, but we that are here shake hands and smoke; that means the whole Sioux Nation. Some of the young men, who are fools, will start a war party from the Yankton or Cheyenne Agency. They will call at all the agencies until they collect quite a considerable band, and then make war on any party they meet. We, their chief men, do not allow this, but they are led off by the young men with bad hearts and bad spirits. We are sorry for it. It makes our hearts feel bad to see how foolish they are.

This concluded the speech-making, and a general shaking of hands and smoking of pipes and cigars was then indulged in, and the Indians mingled together and conversed through their interpreters, where they were unable to understand each other. The council lasted about six hours, and resulted in an agreement to make a formal written treaty of peace; when adjournment was had for refreshments and to give time for the writing of the article of a treaty of amity. In the evening the council reconvened, and the following treaty was read, interpreted and duly signed:

Treaty of amity between the Sioux tribes of Indians known as the Upper Yanktonnais, Lower Yanktonnais, Black Feet, Uncpapa, and Sans Arcs, of the first part, and the Arickarees, Gros Ventres and Mandans, separate nations, united, of the second part. Witnesseth:—

That the chiefs and principal men of all the bands above mentioned, here in council, do mutually and severally agree that from this day forth they will hold each other as friends; that they will neither make war upon each other, nor in any way manifest enmity by any action whatsoever. They agree to discourage all hostile acts and intentions, either open or covert, on the part of any member of the nation to which they severally belong; and also agree, if any person of the bands over which they have control, or in which they exercise influence, shall at any time commit any depredation, theft, or unfriendly act, on any member or members of the bands herein represented, they will see that such persons receive material punishment for the offense, and that they will make full restitution to the party aggrieved for the wrong done. They also agree that when wrong has been done or complained of by any member to this treaty, that full investigation shall be had, and that every effort shall be made to turn over offenders when discovered to the United States authorities at the

nearest military post where the band to which the offender belongs shall be encamped. The bands who are parties to this agreement have for a long time been at war, many injuries have been inflicted; many lives have been lost; many heads have been made sad, and much mourning and sorrow occasioned. They now desire to put an end to all such practices; they desire to live in concord with each other; to rejoice and sorrow with each other, and to be bound with each other by the same friendly sentiments which now unite them with the whites.

In witness whereof we have each set our hands and seals at the Post of Fort Stevenson,

D. T., on this 17th day of July, 1870.

White Shield, Chief of the Lower Yanktonnais.

Two Bears, Chief of the Arickarees.

Crow Breast, Chief of the Gros Ventres.

Medicine Hatchet, Chief of the Upper Yanktonnais.

Red Cow, Chief of the Mandans.

Belly Fat, Chief of the Uncpapas.

Son of the Stars, Second Chief of the Arickarees.

Fire Heart, Chief of the Black Feet.

Medicine Lance, Third Chief of the Arickarees.

The Bear That Looks Back, Chief of the Sans Arcs.

Lean Wolf, Second Chief of the Gros Ventres.

White Bear, Chief of the Yanktonnais.

Parsons of the Eagle, Second Chief of the Mandans.

Iron Stirrup, Second Chief of the Yanktonnais.

Big Elk, Third Chief of the Yanktonnais.

Witnesses: Col. E. S. Otis, Twenty-second Infantry; Capt. S. A. Wainright, Twenty-second Infantry; Capt. W. Clifford, U. S. A.; First Lieut. F. E. Parsons, Twenty-second Infantry; First Lieut. W. J. Reedy, Twenty-second Infantry; Washington Matthews, Assistant Surgeon, U. S. A.; G. A. McLoud, M. D.; Charles Pachaneau, Interpreter.

The commissioner of Indian affairs, Hon. E. P. Smith, made a tour of the Indian agencies in the Northwest in the summer of 1873, accompanied by his wife and daughter, possibly to give stronger emphasis to the claim then being made that the new peace policy for governing the Indians, which was being enforced by President Grant, had produced such a favorable change in the situation on our frontiers respecting the Indians, that it was safe even for women to journey among them without fear of being molested by the red men. His itinerary in Dakota extended up the Missouri River to the Grand River Agency, and included the Cheyenne and Crow Creek, all among the most important and populous of the Sioux agencies, and then regarded as the temporary rendezvous for thousands of the refractory element (when hungry), who could easily be induced to war, and who were even then, in a surreptitious manner, represented with Sitting Bull, who with quite a following was opposing the extension of the Northern Pacific Railroad in the country farther north.

At each of these agencies he held a formal council with the Indians for the purpose of ascertaining their sentiments regarding the new peace policy and to find out by personal observation to what extent they were engaging in industrial employments. As a rule he found them fairly well disposed toward the new order of things; but everywhere he learned that they needed a great deal more than they were receiving from the Government. A number of the leaders among the red men made known their sentiments and wants in formal speeches. These Indian speeches had been a common feature at all councils held with them by the pale faces, and the Indians invariably appear as complainants that the Great Father was not living up to his agreements in furnishing them supplies.

The commissioner concluded his investigations at Greenwood, the Yankton Agency, where he met all the leaders of the tribe and many hundreds of the people, men and women and children. The Yanktons had been known as one of the best disposed tribes of the Sioux, and had made considerable progress in the customs and arts of white people. Here the commissioner made a speech, which was interpreted to his audience, wherein he endeavored to show them just what the new peace policy expected of the Indians, and how they were to be rewarded by submitting and conforming thereto in good faith. The commissioner said:

My friends, I have heard of you very often. For two years I have been living with the Indians of Minnesota, and they have often talked to me of the Dakotas, and they wished me to bear friendly words to you. Some of them have been over to Lake Traverse and Fort Totten lately, to make peace with the Dakotas. Some of the Chippewas have lately gone to a new reservation, where they can raise corn, wheat, and cattle. They live in houses and are doing very well indeed. Some will have 150 or 200 bushels of wheat this year. Their children are many of them in schools and are learning to talk English. I have been up the river, looking at the Dakotas there, and am now going to the agencies below, and then to Washington. I have wished to see you, so that when your agents write me at Washington, I may understand them, and know how to answer them. I find that many of the Indians above here are not doing much for themselves. They have been receiving beef and flour, and coffee and sugar, for many years, but are still living in tepees and wearing blankets, as they were years ago. They seem to think that all they have to do is to sit down and that white people will come along and put pork and flour down their throats; so they will live and their children after them. I think the worst thing we can do for a man is to feed him and let him be idle. Let all the people at Yankton be fed and do nothing, and in five years they would be ruined. And the only real difference between the white man and the Indian is due largely to the fact that one works and the other does not. If a poor man has a real friend who wants to help him, his friend will help him only as he helps himself. And if that poor man is lazy and will not work, the best way to help him is to let him go hungry, because it may be that when he is pinched with hunger he will go to work, and that will make a man of him. Of course work alone will not make a man. We must learn to do right, one with another, and love God, and for that we want teachers and missionaries to instruct us. Now you have all the chance to be men that anybody wants. You have land, and water, and timber, and teachers, and preachers, and friends. And besides, you have rations, and clothing, and farmers, and carpenters, to help you; and you have a chance to be men if you are willing to work. But all these will not make you men unless you have stout hearts and take hold with both hands and work.

Now, I want to tell you one thing. After this year the agreement with the Government to supply you with rations is gone. The little money and clothing you get will be continued longer. Now, what will you do when you get no more rations? How much are you getting out of the ground to put in your tepees to live upon next winter? That is all I will say now.

The first Indian to respond to the commissioner was the second chief, Medicine Cow, an Indian of fair ability, and peacefully disposed at all times. He said:

My friend, I wish to say this morning that when a man has much to say, he will forget much, and I would like to have friends here suggest to me what I may forget. The last time we had a talk when the bishop was here, some things were wrongly interpreted and we misunderstood each other. I wish Mr. Williamson to see that the interpretation is correct. My friend, I am glad to hear what you have said, but I do not think we can do all this that we ought to do at once. I see today the way the white people work, and the way we have done in the past, and I think the way of the whites the best. Our Indian ways are such that I, for my part, do not see how we can live as we have done any longer. Now we are trying to plant, but some years it does not rain. When it does rain, we are thankful to God, and our crops grow. You see these young men here; they can plow and make hay. We remember what our Great Father told us in Washington—to tell our men to plow and work, and that if they would do so, the money paid to white people for labor would be paid to Indians. The young men here are able, I think, to do all the common work—plow, make hay, build houses of logs—but I do not think the agent hires as many Indians as he might. There are Indians now who could fill nearly all these places. I know that those who put on trousers, cut their hair, and work, blister their hands, but the whites do the same thing and we can do it too. The white men alone are not able to herd the cattle. Indians are used to driving cattle on horseback, and they can do the herding well. Our people are very different from the hostile Indians west of us. We do not want to go on the war path. We are raising ponies and sell them for wagons and other useful things. Here are two stores and two missions, and we wish our young men to do all the missionaries and traders wish to have done, and then we shall prosper. These men here grew up on the prairies and get their living by traveling about. The Great Father wished us to settle down and go to work, and we have done it. The Great Father promised to help us. I do not think he has helped us as much as he might have done. We have young men here learning all these trades. They do not feel able yet to take charge of the work, but will be able to do so soon. When I was at Washington the last time, I told the Great Father we could not come to see him every day, but often we wish to say something to him; there is some difficulty, or the whites employed here do not suit us. And he told us that when things did not go right we should let him know, and he would see what could be done. I wish you would remember this, and am glad you are having what I say put in

writing. I suppose the collection of money for the Indians which the Great Father makes must be a very serious matter, and must take great labor. I consider that our Nation has always been faithful and true to the Government in times of war and peace, and that the Great Father is under obligation to us on that account. Do not think we are particularly proud of this; I do not speak of it for that reason. Nevertheless it is true, and I think that the Great Father should be particularly faithful to us in supplying our wants. You have mentioned many of our advantages. The Great Father has not provided all things for us. Of all we have here, he has given us only eight wagons and twenty five harnesses. There are eight bands of men here, and when we want to work we have so few implements we almost fight over who shall use them. I see how the white people get a living. On the prairies, far from wood and water, they settle and dig wells, and build windmills and fix themselves up. I wonder if you think we could go out on the prairie and do as they do with only our hands. I say this because the agent has been having the prairie surveyed, and I wonder if you expect us to go out there and settle without implements. The Great Father has sent food here for the Indians; that is well. Now what arrangement does he make about the white people of the agency? Does he expect them to live from these provisions? If so, very well. At other agencies the Indians get larger rations; but I have told our young men to say nothing about it. Sometimes we feel bad—jealous of the hostile Indians because they get more than we do; but I advise them to keep quiet, and say that perhaps in the end the Great Father will do better for us than for them. When a man asks here he does not inquire of one man about us, but from many; from the agent, missionaries, and others. If you do this you will get at the truth. One thing puts us in a little danger. Other tribes are coming here to visit us, and there is danger that some of our young men will be drawn away by them into war parties. When Indians go to Washington and sign treaties there with the Great Father, before God, I consider those treaties binding, and have great respect for them. And I understand that when the Great Father makes promises, he is bound to keep his promises also. When the treaty was made I understand that it was promised that we should have this reserve for at least fifty years. If you hear of anyone speaking of removing us elsewhere, do not listen to them. I know railroads are running across the country. Some run entirely across the country; some only a little way. I speak of this because at Sioux City they are starting a railway which points this way. I think transportation this way should be made by the river. If I was alone I should not care about it, but other Indians may make trouble if railroads are run through this country. I have listened to what you have said about the white people do work. We have tried it. Our hands are tender and we have blistered them, but we shall continue to work, nevertheless. It takes about ten thousand dollars of treaty money to run the agency here; but I did not understand the agency was to be run out of money paid for our land. I think all the money paid for our land should be used for agricultural purposes, tools, and farming implements and improvements. I know I feel very much as a nursing child looks towards the nursing mother. I know I can not get along without the help of the Government yet, and I have confidence that the Government will continue to help us abundantly.

Strike-the-Ree, the head chief, and one of the best known Indians in the country at that time, then addressed the commissioner. He had the unlimited confidence of his people, and the burden of his discourse, which is here given, was the lack of something to aid his people in their upward climb to the ways of civilized people. Strike-the-Ree said to Mr. Smith:

I heard last winter that you were coming. I see you here today, and am glad. There are eight bands of us here. I want you to use your efforts to get wagons and harness for each of the bands. We want harnesses also. They are very hard to get with their ponies trying to cook as white people do, with Indian utensils. We want stoves. The Sioux many of them, have stoves. I have heard these reports about stoves before, but come directly from the Great Father. I have trembled before when I thought that if the Great Father seems as though the heavens were falling over our heads. If the Great Father sends provisions for us before he helps us to help ourselves better, he sends us well with provisions at once. But one thing he can do to help us to help ourselves. He can supply us with among us and farming tools. One thing more you can do, the stoves come but once and killed many of our ponies. If you could send us better horses so that we could have horses of a better stock, it would help us to get a living. Some the stoves are very frightened, and we all want hay for our ponies, but the money is not enough. We try to borrow scythes, but there are not enough for all of us. If the Great Father would send us a few mowing machines we could cut our own hay and feed our ponies. All these young men that you see here want to be civilized, but they hardly know how to build them. They start out and cut trees in the woods, but cannot get the trees down. If some way could be provided for the hauling of the logs, it would be of great advantage to us. And when you send things to help us, we would like to have them used by individuals, and not kept stored up for the band. I know we ask for a great many things, but one other thing our young men ask for continually, that is guns. There are a great many

rabbits in the timber and we want guns to hunt them. The Great Father may be afraid we will not use them for good purposes, but we want them only for hunting. If you cannot give them to us, we will not complain. We look upon you as a man of great influence and power, and come to you with great faith that all you promise will be fulfilled. I do not speak at random. Other men have been here saying they were great men, and have promised great things, and we have never heard from them again. We believe that all you promise will be accomplished.

As Strike-the-Ree spoke in the Dakota language, it will be understood that his remarks were interpreted, and written down at the time by the secretary of the Indian commissioner.

Commissioner Smith then replied to "Old Strike," as follows:

If you have such great expectations respecting me, I must be very careful what I promise, and I will not be safe if I promise you a great deal, I fear. I told you this was the last year of the treaty agreement to give you rations. I do not say the Government will give you rations no longer, but that the Government will be under no obligation to give you more. This friend has well said that it is difficult to raise taxes to feed Indians, and your Great Father has no money of his own for this purpose, and can only get what Congress grants and raises from the white people. The great Council meets in winter, and I go to them from the Great Father, and say:

"Here is the writing you have given the Sioux, promising them so much; now give it to them this year."

And the great Council says: "Yes, we agreed to do this, and we must do it;" and they vote the money.

Now, next year I shall go and say: "I want money for the Sioux to buy flour and beef."

They will look at the writing and say: "No, that has gone out; we will grant them no more."

Then I shall say: "The Sioux are poor, and want something to eat."

Then they will say: "There are many poor people among the whites and we do not give them anything. These poor white people work ten or twelve hours a day to feed their children; why cannot your Sioux do the same?"

What shall I say? I shall be glad to say: "I saw eight blisters on this chief's hands;" it will help things very much, and I know this, that I cannot get money except I say: "The Sioux are at work." You speak of the white people on the prairies. These white people came naked into the world, just as you did. They did not come in a wagon, and with their hands on a horse's bridle when they were born, and horses and harnesses did not grow. They have made it all with their hands and heads. Two years ago, on the prairies of Minnesota, I saw a man digging a hole in the ground. He had land, and wood, and five children, and that was all. He dug that little hole and put poles over it, and turf, and that was his house; and then he worked for other men, got food, and made a garden, and finally got oxen. No one gave them to him. He worked and bought them, and plowed more land, and built him a better house, and in five years he will be a rich farmer. No one helped him except God, who helped him to have a good heart and good hands to work. You see your advantage over him. I know you have not been brought up to work, and it is hard for you, but you can learn. I think some of the Yanktonnais are doing well; perhaps they will outstrip you; but you are doing very well. You are learning. I want to praise you as much as I can. Your agent is going to get sheep, and you will soon have wool for clothing and blankets, and will start a new mode of life. I shall send you two horses to improve your ponies. But it will be better for you to sell horses as fast as you can. Raise them to sell—not to keep. I think your agent can arrange to have some one come right here and buy all you want to sell right here. That will be better than for you to try to keep them. I am going to send you a few cows, not a great many, just a few. They are to be given as presents to those who are doing their best and will take the best care of them. It will be a hard thing to give a few cows to so many people, and I am afraid it will make your agent trouble, because some will think they ought to have a cow when they cannot get one. I am going to send stoves also, but now think I shall instruct your agent to give them to men who will pay for them in work. I shall send some harnesses also in the same way. What I will do about oxen and wagons I cannot tell now. Now I suppose that it seems to you that it is not so much of a present when you earn it, as it would be if I gave these things to you right out; but I give them in this way because it will do you the most good.

Sometime you will find, I think, that this country will not support you. If grasshoppers come one year, and dry weather the next, and flood the next, you will get hungry in three years if you do not raise anything. Now, nobody will ask you to go away from this country at present; but sometime when you get to be white men and want to do the best thing for yourselves, we may talk about another country. There is a country south, about thirty days (Indian Territory), where you would get a living much easier than here; where livestock runs out all winter; wood and water are to be had in abundance. You could

have land there if you wanted it. There are white men all around it who want to get it, and they say it is the best land in the world. But you do not wish to think about that, so it is not worth while for me to talk about it; but there are some who are talking about it, and will go, I think, and those who go first will get the best land. A white man never stays at home when he can do better.

Now, I am glad to have seen you, and I want you to think of one thing: the people who are helped the most are the people who help themselves the most, and the way to help people the most is not to put things in their mouth to eat, but in the hands for use. I would rather give one of you a cow than fifty sacks of flour as far as helping you would be regarded. I am sorry you do not make more of your schools. Your schoolhouses here ought to be filled with scholars. I want you to learn to talk English as fast as possible, and get your blankets off—you cannot work in blankets. I will remember you when I get to Washington, and hope to hear a good account of you. I want you to remember what a hard place your agent has to fill. If not more than half of you are angry with him at one time he will be doing very well.

Commissioner Smith, in this talk to the Yanktons, gave out the first intimation of the half-formed plan of the Government to remove the entire Sioux nation to the Indian Territory, where they were told they would find a better country for farming and stock-raising and as much milder climate than Dakota. This was probably true, and had the plans succeeded it would have relieved Dakota Territory of its entire Indian population save a few Chippewas on the Red River; but whether the territory would have advanced more rapidly without the Indians is not easily proven. The Black Hills were thrown open within three years after this interview with the Yanktons. This was about all the advantage, at that time, the territory could have gained by the removal of the Sioux, while the benefit accruing to the territory from the world-wide advertising of Dakota and its gold fields would have been entirely lost. In addition, the people of the territory have profited largely from the transportation business through the reservation, and still greater prosperity came to those engaged in contracting with the Indian bureau and the military who were maintained in Dakota to protect the settlements against the hostile Sioux. It appears that our Indian population, at least in the first decades of the life of the territory, were indirectly a valuable aid in maintaining the white population. Their removal in 1876, when the moral force of the Government was exerted in that direction in earnest, would have cost the territory all its military posts, Indian agencies, and practically deprived our steamboat interest of the traffic which at the time employed from fifty to seventy-five vessels and several thousand people, and it may have been that a regard for these industrial interests discouraged the prosecution of the plan.

It would seem that Dakota's Indian population, admitting that it may have been the cause of keeping many reputable people from settling upon the public lands in the territory at that time, was a decided advantage during the early years of the territory's growth and development.

Peace was not secured with all the Sioux under the Sherman treaty, and the only apparent advantage, at the time, gained, was the collecting of the Sioux tribes within certain extensive limits known as the Great Sioux reservation. Sitting Bull now comes to the forefront as an uncompromising exponent of all treaties of cession, and the construction of the Northern Pacific Railroad west of the Missouri River, and is supported by a strong well-armed force of determined warriors made up of the young men of several tribes, but chiefly those enumerated in General Stanley's report, heretofore given, and probably a contingent from the Red Cloud Agency.

The conviction had gradually forced itself upon the minds of the authorities that so long as they fed and clothed the Indians and left it discretionary with them whether to work or play, they would make no progress in any industry, no matter how much in the direction of substantial aid was promised, and it resulted but the irresistible demand of the white people for the opening of the Black Hills and the lamentable tragedy at the Little Big Horn, to arouse public sentiment and compel the Government to abrogate the discretionary privileges granted the

Indians by the Sherman treaty, practically, without consulting the other party and substitute in its stead an agreement by which the Indian would be compelled to work in a reasonable way, or go hungry and naked. With this alternative before them, virtually whole tribes turned their attention to honest labor, and it is now universally conceded that the results attained completely justified the means employed in obtaining them.

The cupidity of the pale faces worked for the speedier civilization of the Indian. The pale face covets more land, and the Indian had more than he could use, while the pale face stands ready to purchase it. The white man's knowledge of what is best to promote the Indian's civilization is reliable, because he has learned it from the progressive career of his own race, and he knows it will do the same for the Indian, because he has already the object lesson in the advance of the Santees, the Yanktons, the Sissetons, and many individual cases within our borders,—Indians that have worked their way within a quarter of a century from barbarism to a condition of self-support, become patrons of schools, churches, and in some cases having gained a fair knowledge of representative republican government.

CHAPTER LXIII

INDIAN CHIEFS VISIT WASHINGTON

1875-78

NAMES OF INDIAN AGENTS IN 1875, AND THEIR AGENCIES IN DAKOTA TERRITORY — INDIANS REMOVED TO MISSOURI RIVER AFTER BLACK HILLS TREATY AND THEN MOVED BACK AGAIN—INDIANS GO TO WASHINGTON—PRESIDENT HAYES AS GREAT FATHER TALKS TO HIS RED CHILDREN—RED CHILDREN HAVE SOMETHING TO SAY —COMMISSIONER OF INDIAN AFFAIRS HAYT COMES OUT TO DAKOTA TO SEE HIS RED PEOPLE—PROHIBITS USE OF BEADS WHICH ARE A SERIOUS STUMBLING BLOCK IN THE PATH OF INDIAN WOMEN BECOMING CIVILIZED—REMARKABLE REVIVAL OF BEAD TRADE—MR. HAYT HAS AN INTERVIEW WITH SPOTTED TAIL.

Secretary Chandler, of the Interior Department, recommended the removal of the Indians under Chiefs Red Cloud and Spotted Tail, in 1875, to the Missouri River, at some points between Fort Randall and the mouth of the Cheyenne River, where they would have a better country, and recommended that future appropriations for them be made contingent upon such removal. He also suggested that inasmuch as the Government was then paying the Indians about two million two hundred and sixty thousand dollars a year in supplies above the amount required by any treaty, that the Indians be required to relinquish the Black Hills and right of way thereto in consideration of such sum, if it is to be longer continued—or that the payment to them be contingent upon their surrender of their claim to the Hills.

The principal object in removing the Red Cloud and Spotted Tail agencies to the Missouri River was to save the enormous cost of transporting the Indian supplies to the agencies in the interior. Major Howard, who was in 1876, the agent at Spotted Tail Agency, stated that it cost more to pay for this overland transportation than the value of the goods transported. By removing the agencies to the Missouri River where the boats delivered the supplies, the Indians would assemble at these agencies, receive their supplies, and would save for their own benefit, a large sum of money.

The names of the United States Indian agents in the Territory of Dakota, in January, 1876, were: Sisseton Agency, J. G. Hamilton; Ponca, A. J. Carner; Cheyenne, H. W. Bingham; Devil's Lake, Paul Beckwith; Yankton, John G. Gassmann; Spotted Tail, Edwin A. Howard; Crow Creek, H. F. Livingston; Standing Rock, John Burke; White River, Thomas A. Reilly; Fort Berthold, Lyman B. Sperry; Red Cloud, James S. Hastings; Flandreau, John P. Williamson, special agent.

At this time (1875, '76), negotiations were pending that looked to a cession of the Black Hills region to the Government. The Indians were, already, under the treaty of 1868, required to remove to the Missouri River and receive their supplies, but this provision had not been insisted upon, and they were conveying their agencies at Beaver Creek and Fort Reaumur, and were strongly opposed to the proposed removal. On the eve of the Black Hills treaty was but an opportune time to ruffle the feathers of the red men, who were the party of the East

part, and such a misfortune would undoubtedly have been the result had Mr. Chandler's recommendation been followed, hence the matter rested in abeyance.

The Black Hills treaty being satisfactorily concluded in 1876 (see Black Hills chapters), containing a similar removal agreement, and President Hayes having succeeded President Grant, the reader will understand the proceedings which here follow:

PRESIDENT HAYES AND INDIANS—HAYES MAKES A PROMISE

Delegations of the Sioux and Arrapahoe Indians, with Red Cloud and Spotted Tail, visited Washington in September, 1877, for the purpose of protesting against the action of the Government in locating their agencies on the Missouri River; the Indians preferring to have these central stations in the interior of their reservation. The visitors obtained an interview with President Hayes at the White House, where were gathered the members of the cabinet, General Crook, the Indian commissioner, Hayt, and others.

The President opened the council by stating that he was ready to hear the Indians. Spotted Tail broke the silence by urging that the lands now occupied by his people as agreed by the treaty of 1876, be secured to them. His sentiments were applauded by the other chiefs.

Red Cloud, always in a gruff humor, then said:

The foot of the Black Hills is a good place to put my agency. I did not come here to beg anything. The Black Hills were mine; I gave them to the commissioners. Suppose you are going to decide what you are going to give us for the hills, and I have come to get it.

General Crook advocated the claims of the Indians, and the President was presented with the pipe of peace. The President then said:

My good friends, you have desired to take counsel with me and I have permitted you to come. I am glad to see you. I have attentively listened to what you have said. I have also heard Mr. Wm. Welsh, and General Crook, who spoke for you as your friends, and who have my confidence. I have well considered all that was said. Now listen to my answer. I have your welfare at heart. I will be a good friend to you. The wishes you express I shall be glad to gratify when it is in my power, and for your own good. There is an understanding between you and the white people which I want to have carried out by both. That understanding is that you should go to your reservation and occupy it. That the lands should be yours. I have removed the Poncas to the Indian Territory to give you more room. I have promised to procure food for your people to eat. The great Council of my nation, the Congress of the United States, resolved, and your chiefs and headmen agreed, that supplies to be furnished to you should be delivered to you near the Missouri River. This is what I was told; this is what the great Council of my nation believed. I have fulfilled that promise. You say you do not like to go to the Missouri River; but your supplies cannot be taken to any place before your people will need them, and before the cold days of winter will come. If you do not go near that place where your supplies are, your people will be hungry and I shall not be able to give them food. I desire to do all for you I can, therefore want you to be in that place this winter, where my helping hand can reach you. But I do not mean that you and your people shall stay near the Missouri River always. You shall stay there only this winter. When spring comes you shall select for your permanent abode such land on your reservation as you like best. The agents will aid you in making a selection. Your country is large and there is much land, where you can cultivate the soil, and raise crops and where cattle can be fed. That land is to be surveyed and allotted to each family to be its homestead. There your people can build cabins and make homes for their families. When that land is surveyed and allotted, and your families have taken possession, I shall ask the great Council of my nation to give you cows and oxen, and tools with which to till the soil, that you may be able to provide for your own necessities. I desire you to have schools for your children, so that they may be educated to take care of themselves (right here the Indians smiled broadly), and become industrious and prosperous like the children of my people. I also wish your people to have churches where they can worship. I shall speak good words for you in the great Council of my nation, that it may grant your people these benefits. If you are wise you will heed my advice. Game is fast disappearing from your country, and you cannot always live as hunters; neither can we for all the time provide for your wants, and feed your people and their children. If you want to live in

security you must do as white people do—you must learn to work and produce for yourselves that which you need. Cattle and horses and plows will be more useful to you than ponies and guns. To be educated so as to know how to work (the aboriginal smile again greeted the distinguished speaker), how to make their own living by raising cattle and tilling the soil, will be better for your children than hunting buffalo, and dancing war dances (the chiefs smiled incredulously). When you look around you you will see that the white people are in a great multitude, which you can not count. Every year their numbers increase by far more than the number of all the red men in this great land. They cannot be kept away from the western country, and year after year more and more of them go there. If you live, roaming about, without homes, they will sweep over you like a great flood of water. To sustain yourselves against that flood, you must have homes in which you and your families permanently live, and land on which you raise that which is necessary to support you. Then you will have firm ground to stand upon, and the flood will not sweep you away. I am a good friend to you and your people, and as a good friend I give this answer and advice.

Now I will speak a word to the Arrapahoes. You desire to go West with your people, to join the Shoshones, and live with them as friends. But if you go, you must provide for your own support. The grand Council of my nation has given me no money to aid you on your way. If without such aid you will make the journey, then I am willing you should go, and an agent whom I have sent to the Shoshones shall also be the agent for you. You have been good friends to the white people and I hope you will remain so. You all have the best wishes of my heart; let us live in peace and friendship together, and I will protect you with all the power I have.

I heard yesterday morning that forty lodges of the people of Crazy Horse and Lame Deer have gone north. As long as those people are north we do not know our friends from our enemies among them. It is of the greatest importance you should keep all these people at the agencies. I know that your hearts are right; that will make you strong with me. It is impossible for me to let those people go up into the Tongue River country until we know they are all our friends. It is necessary that all the Indians should go down in the direction of the Missouri River to get their supplies, so as to be ready early in the spring to select the best lands on the White River, and other places on the reservation, for cultivation.

The conference or council closed with this address from the "Great Father" in person.

The Indian delegation left Washington early in October, and to the last moment protested that they could not persuade their people to go to the Missouri River for their supplies. A final council was held with Secretary Schurz, when Red Cloud said to him:

I know when I go back all my young men will feel very badly because we have got to go to the Missouri River, where they say all our stock will die.

Spotted Tail said to the secretary:

The decision the Great Father has made is yours, not ours. We cannot go near the Missouri River this winter. Our delegation here has so decided. If I should tell my people we had been ordered to go there, and had sanctioned the order, they would scatter all over the country. We would like to be at peace and keep peace with the whites, but it is impossible for us to move away this fall. We want our agency at Wounded Knee Creek. Where we are at present we are all prepared for winter. Your words to me are very good, but we do not want to move. The white men never throw away their labors. What the white men have they love. It is the same with us. If you want us to throw that property away you should pay us for it. If you pay us for it, probably we can move away; otherwise we cannot.

The secretary then told them it was too late to make any change in the place where their supplies were delivered, and inasmuch as they would need food for the winter, and inasmuch as their food could not be carried to the Indians where they then were located, about one hundred and fifty miles west of the Missouri River, the Indians must go near the place where the food is. A grand hand-shaking followed, and the Indians then departed for Dakota by way of New York.

The Indians finally consented to gather at their Missouri River agency, and receive their supplies for the year then coming, having been promised that

they should have their agencies located in the interior of their reservation the following year.

COMMISSIONER HAYT VISITS HIS INDIAN CHARGE

Hon. E. C. Hayt, who was commissioner of Indian affairs under President Hayes, and also under direction of the secretary of the interior, was not a popular official. The general criticism was that he was too officious; too offensively insistent upon the introduction of new notions regarding the treatment of the Indians by the agents; assuming a superior knowledge of such matters in which he had no experience and which can be gained only by much experience in contact with the Indians. As a rule he was regarded as a theorist with impracticable theories, even conceding his honesty and sincerity which was not granted by many without at least mental reservations.

Grant's peace policy had been making commendable advances in civilizing the red man, and Hayt seemed desirous to stamp his name upon it somewhere as one of its most valuable promoters, and he accordingly issued an order prohibiting the sale of beads, paints, shells, etc., to the Indians; these beads he regarded as one of the most serious hindrances to their rapid moulding into civilized beings; they linked the Indian women with the wild life of the past which they had pursued, and Hayt was anxious that the Indians should become oblivious to their old savage ways and everything connected therewith before his term as Indian commissioner expired, and he purposed to hasten it by abolishing those relics of barbarism and folly and idleness, the beads that the partially civilized men and women of the race ornamented their moccasins and leggins and other articles of apparel with.

Spotted Tail was very much offended at the order and openly rebelled against it. He declared to Major Lee, the agent at Rosebud, that the Indians would not submit to such foolishness. He claimed that the young men and women of the Sioux had the same right to purchase ornamental articles and use them to adorn their persons, as the whites had. The old chief said that white women painted and powdered, bought beads, and fancy articles; and he claimed further that if the young Indian women were forbidden to manufacture their various articles of bead work which were freely purchased by the whites, they would have nothing to do, and great evils would result from such enforced idleness. Mr. Hayt had designed it as a reformatory measure—that by depriving the Indian women of these articles, they would the more readily turn their attention to improving themselves in the domestic arts of home making and housekeeping. The order is said to have stimulated the trade in the luxuries instead of diminishing it and many of the tribe who could do so laid in several years supply before the order went into effect.

The Indian agents were always inclined to obey the instructions of their superior officer, the commissioner, and in doing so it became necessary to explain to the Indians, that the new rule, or custom, or whatever it chanced to be, was "by order of the commissioner." In this way the Indians formed an opinion of Mr. Hayt, and did not regard him as a wise man. Mr. Hayt visited the Sioux of Dakota in 1878 for the purpose of obtaining, by personal association with them, or near them, but not dangerously near, the finishing touches of what he admiringly regarded as a complete mastery of the Indian problem (he had never seen an Indian tepee before except at Wild Bill's show). He was received at the agencies with respect, and every opportunity given him to investigate and inform himself concerning any matters that he felt had been omitted in his previous career. He must have borne himself somewhat haughtily and by his austere manner betrayed his consciousness that he was a great man, in such manner that the intelligent and observing Indians, who had met scores and hundreds of great men, from President down, perceived in him something of the fabled animal

inside the cloak of the lion's skin, for they were not inclined to render him more than scant homage.

On one occasion while Mr. Hayt was at the old Spotted Tail Agency on the Missouri River (the former Ponca Agency), before the Indians were removed to the interior, he held a council with the chiefs and the headmen. Chief Spotted Tail and a hundred others were present. It should be stated here, parenthetically, when the Black Hills treaty was made in 1876, the Sioux Indians agreed to receive their supplies furnished by the Government at certain points on the Missouri River where their agencies were to be established. This was in 1876 under Grant's administration. In 1877, Spotted Tail and Red Cloud paid Washington a visit as was their custom, and entered an objection to that requirement of the treaty, and insisted that their agencies should be established in the interior and western part of their reservation (they were then living in the interior not having removed to the Missouri). The chiefs succeeded in appealing the matter to President Hayes who presumably regarded it as a matter of small consequence, and he finally promised the Indians that if they would come over to the Missouri River and receive their supplies that year, 1877, they should have the privilege of returning to such points as they might select for their agencies or that would be selected for them, in the interior, the following year, 1878. The Indians would not agree to come to the Missouri for their supplies in 1877, but they were told in unmistakable terms that the Government had made its arrangements for the delivery of their supplies on the river, and this could not be changed. They must come and get them or go hungry. They concluded after reaching home and counseling with their brother Indians, not to go hungry. Buildings were put up for the accommodation of the Spotted Tail (Brule) Agency at old Ponca Agency; and at Yellow Medicine above for accommodation of Red Cloud's people, and the twelve or fifteen thousand Indians belonging to Spotted Tail's and Red Cloud's tribes lived sumptuously on the banks of the Missouri all winter. When the spring of 1878 dawned the chiefs began to clamor for a fulfillment of President Hayes' promise that they should be removed to the interior. In the meantime this move had been reconsidered by the authorities, owing to the enormous expense of transporting the supplies for twelve or fifteen thousand people, in wagons, from the river to the interior. It was shown that the cost of transportation would exceed the cost of the supplies; and anticipating that the Indians would finally yield, contracts were let for a number of expensive and necessary buildings at both agencies and the buildings constructed. But the Indians were inexorable. They refused to release the President from his promise; and now, returning to Commissioner Hayt's visit to the Spotted Tail Agency, we find that he has in mind making a last appeal to the Indians to stay where they were and to abandon the thought of removal.

Commissioner Hayt held a council with the Indians. Spotted Tail and a hundred others were present, and in addition were a number of whites, including two or three who had accompanied the distinguished commissioner. The pipe of peace was not ignited, which may have been omitted in deference to the chief. Spotted Tail did not smoke. This is notable from the fact that he was probably the only Indian in the tribe who abstained from the weed. But as to fire water, the case is different. He indulged moderately on special occasions, and was pleasantly accused of having a phial in his closet, which would be uncorked in case of snake bites.

Commissioner Hayt opened the proceedings with a patronizing sort of speech not well-timed, and in the course of his remarks explained to them how much better off they were to remain at the agencies where they were then comfortably located, and abandon the plan of removal. He also told them that the Great Father had in mind to give them a great many cows, and he wanted to know if the Indians would keep them, and not slaughter them for beef. To this Spotted Tail replied that they would. The commissioner, in the course of his remarks, referred again to the cows, and wanted to know if they would keep them.

answered that they would keep them. The commissioner went on with his speech, which had to be interpreted to the Indians, and again referred to the large number of cows the Great Father intended to send them, asking the question again with considerable emphasis: "Will you keep them?" Old Spot then went as close to the commissioner as he could get, and making a trumpet of his hands, pointed it toward the commissioner's ear and yelled: "Yes, we will keep them; put this in your ear and take it to the Great Father."

While in Washington the Indians were disposed to treat the Government officials respectfully and decorously; but they were prone to exhibit the other side of their nature when they met the same representatives at their agencies where they were at home, and not oppressed into obedience by any civilized environment.

When the commissioner had concluded, Spotted Tail arose to reply. Commissioner Hayt, by the way, was a very bald-headed man. The matter of the removal of the Indians to points in the interior of their vast reservation was the one uppermost in the minds of the chiefs and head-men and they all demanded it, but the common people among them were indifferent and many opposed it. Spotted Tail, however, said:

I have not much to say, and there is no occasion for much talking. The Great Father has promised that we should be permitted to move in the spring, and I have confidence in him and believe that when he makes a promise he intends to fulfill it. The Great Father has a great many bald-headed men about him, and sometimes he sends some of his bald-headed men out among the Indians. My experience is that all bald-headed men are liars, and I can place no confidence in what they say. We have the promise of the Great Father that we shall be moved to an agency more to our liking in the spring. We have waited long beyond the time for the fulfillment of that promise. We will wait ten days longer, and then if the word of the Great Father is not redeemed, I will bring my young men here, burn these buildings, and move ourselves. I have selected a place for our future home; we are going there, and it is useless for you to say that we shall not go, or that we shall go to some other place.

Spotted Tail had reached that friendly and familiar position in his intercourse with the whites that he felt that he could talk plain and yet not give offense, for it was not believed he would commit any overt act or do more than express his somewhat heated sentiments. Though ordinarily mild and tractable, he had the reputation of being something of a whirlwind when aroused by anger, and it was therefore deemed imprudent to oppose him. It was also understood that the commission to select the new agencies had already been appointed and would shortly be in the field to designate the new locations.

Mr. Hayt was conspicuously bald-headed, which might have inclined the hostile savage, seeking scalps, to regard him with disfavor. Spotted Tail had noticed this absence of hirsute on the commissioner's head, when he alluded to the fabricating propensities of bald-headed men. The Indians all have long black hair, and it is claimed that their prejudice against the bald-headed whites arises from the absence of their scalp-lock.

CHAPTER LXIV

ARMY AND CIVIL AUTHORITY CONTEST FOR CONTROL OF INDIANS

RED CLOUD AND SPOTTED TAIL REMOVED TO THE MISSOURI RIVER—SECRETARY SCHURZ VISITS DAKOTA AND THE INDIANS—STANLEY COMMISSION SELECTS AGENCY SITES IN THE INTERIOR—COLONEL POLLOCK—HARNEY CITY—NEW ROSEBUD AGENCY—CIVILIZATION A PLANT OF SLOW GROWTH—INDUSTRIES OF THE YANKTON INDIANS—MILITARY CHIEFTAINS CRITICISE CIVIL CONTROL OF INDIANS—CONGRESSIONAL IDEA THAT CIVIL CONTROL IS A FAILURE—SHERIDAN TELLS OF THE MILLIONS WASTED—SCHURZ REPLIES—HAYES MILDLY DEFENDS PEACE POLICY.

The selection of agency grounds, and the erection of the numerous necessary buildings for the permanent agencies for these two powerful and numerous tribes, numbering over six thousand people in each, had all been commenced early in the spring of 1877, by the superintendent of Dakota, Gen. J. H. Hammond, and were completed and ready for occupation by midsummer.

The agency for Red Cloud was at or near the mouth of Medicine Creek, a western tributary of the Missouri River, about one hundred and eighty miles by river, above Fort Randall, and thirty-eight miles below old Fort George, and nearly opposite the upper end of the Big Bend of the Missouri in Buffalo County. From the Crow Creek Agency it was eighteen miles by land, and sixty by river. This was the agency for the Oglalas and Arrapahoes under Red Cloud and was to be known as the Medicine Agency. The journey of Red Cloud's people from Pine Ridge, comprising a colony of over six thousand people, men, women and children, a majority women and children, with their personal effects, was a great hardship, and they protested strongly against it. For a time they rebelled to the extent that thousands of them halted when part way across and demanded that their supplies be hauled out to them, that they were exhausted and could go no further. Their waiting camps were scattered along the White River for a distance of sixty miles. The agent at Medicine refused to send them any subsistence, and in the course of weeks hunger broke their stubborn spirit and they began to move toward the source of supplies, but November had dawned before they had all reached their new Missouri domicile. The superintendent had collected an abundance of food and raiment which had been stored in commodious warehouses. The supplies had been shipped up the river on the steamboats during the summer. It was this advantage for landing the Indian supplies economically that induced the Government, by the Treaty of '76 to require the agency to be located on the Missouri River.

Spotted Tail's Indians, the Brules, had preceded the Oglalas and were located at the old Ponca Agency above the mouth of the Niobrara, about thirty-five miles below Fort Randall. They also numbered about six thousand, and occupied a large tract in Todd County. Their journey had been made with little complaint, this distance being less than sixty-five miles for many of them. The same money and expensive preparations had been made to accommodate the Sisseton and Tribe of Brules as were provided for the Oglalas, namely: An agency building, a warehouse, a stable with stable yard, a receiving and weighing corner, a portable scales and scale house, and one slaughter house with corral attached.

The agencies for Spotted Tail and his Brules, numbering 6,500, were divided, one being located at Whetstone Creek on the Missouri, twenty-five miles above Fort Randall, and the other, and principal one, at the old Ponca Agency, twenty miles below Fort Randall. The buildings were all substantial structures and intended for permanent use.

It appears that it had already been agreed upon by the commissioner of Indian Affairs at Washington, Mr. Hayt, who was decidedly opposed to any further return of the Indians to the interior, that a strong effort should be made to induce the Indians to release the President from his promise to return them inland, and to make their homes on the Missouri permanently. The President was said to have consented that the effort should be made, convinced that he had not had a full understanding of the situation when he made the promise to the chiefs.

The presence of such a body of wild and partially civilized Indians in such proximity to the settled portions of the territory excited some apprehensions for the safety of the white settlers; but the winter passed away without a serious disturbance.

CARL SCHURZ IN DAKOTA

Secretary of the Interior Hon. Carl Schurz reached Yankton August 25, 1879, accompanied by Webb C. Hayes, son of the President; Count Donhoff, secretary of the German legation at Washington; H. Gallieur, of New York; John M. Corson, chief of the Washington bureau of the New York Times; E. P. Hanna, private secretary; and ex-Mayor Mark M. Sheafe, of Elk Point. The citizens of Yankton, led by the mayor, gave the distinguished party an appropriate reception, and a big feast at the Jencks Hotel. Mr. Schurz and party were on their way to the Indian country where the secretary expected to visit, and investigate matters at many of the principal Indian agencies. They departed from Yankton on the steamboat Benton, stopping briefly at the Yankton Agency, and thence to Rosebud Landing near the mouth of Whetstone Creek; and thence overland. The overland journey to Spotted Tail's Agency, otherwise called the Rosebud, distance about seventy-five miles, was without unusual incident. Schurz had been in the Union army during the Civil war and enjoyed "roughing it." The party reached Rosebud September 5th, and were cordially received, Spotted Tail making the welcoming address. He complained that the Indians had no money—that the traders had got all the money and sent it East. Schurz reminded Spot that the trader was obliged to send the money East to buy more goods for his trade because the Indians did not manufacture anything. Spot replied that he "knew that was one reason, and he had saved a lot of watermelon seed to plant next year."

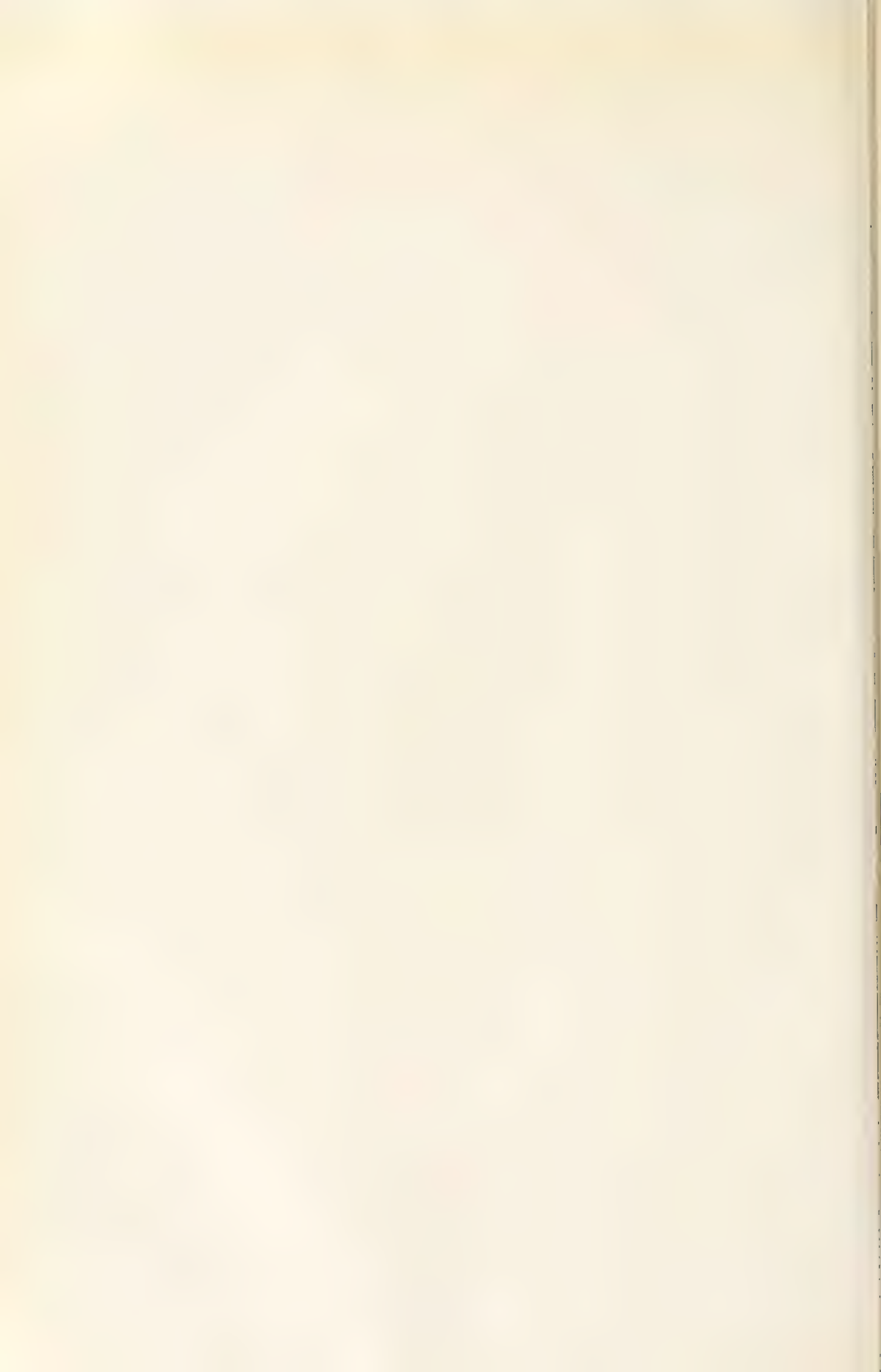
Maj. J. C. Newell was the agent at this agency, appointed from Ypsilanti, Mich. It is related that Mr. Schurz became slightly acquainted with all the white officers and employees about the agency. The physician was introduced to Mr. Schurz, and during a brief conversation informed him that he was "from Ypsilanti, Mich., Mr. Newell's old home." Schurz thought little of it at the time, but in the course of getting acquainted he ascertained that all the sub-officials and about all the employees were from Ypsilanti, and he began to ponder over it, and finally meekly inquired of the agent if there was "anybody still living in Ypsilanti."

STANLEY COMMISSION SELECTS AGENCY POINTS

In accordance with the promise made to Red Cloud and Spotted Tail by President Hayes the location of their agencies was changed the following year. The Stanley Commission, appointed to select locations for these headquarter points in the interior of the reservation, was composed of Major General Stanley, Maj. J. M. Hawarth, and Rev. A. L. Riggs. This commission met at Yankton July 5, 1878, and adjourned to the Spotted Tail Agency, then located just above



RED CLOUD



the mouth of the Niobrara River, called by the French, *Leau qui Court*. The commission went their way in quest of a site and were not long in agreeing upon a location on the Rosebud Creek, about seventy-five miles west of the Missouri River, for the Brules, Spotted Tail's Indians. This location had been previously selected by Spotted Tail, and was therefore satisfactory to the Indians, and as soon as the necessary arrangements for transferring the agency property could be made the agency was removed, under direction of Major Pollock, the agent, to the mouth of the Rosebud, on the south fork of White River, in Meyer County. The main body of Spotted Tail's people began moving the last week in July almost entirely depopulating the rich valley of Ponca Creek, where thousands had been residing and which afforded them many comforts and advantages.

Colonel Pollock, who was inspector of Indian affairs in Dakota under the Hayes administration, was a remarkably able man in that field. He was born in Ohio, in Union County, in 1836, afterwards removed with his parents to Illinois, at an early age. He joined a caravan of gold seekers who were bound for Pike's Peak, in 1858, and in 1862 left the Colorado diggings and went to the newer discoveries in Idaho and Northwestern Dakota, now Montana, where he remained several years engaged in mining and selling merchandise to the mining people, and at the same time doing considerable trade with the Indians, where he acquired a sufficient knowledge of their language to enable him to transact business with them without an interpreter. He also became interested in the race, studied their relations with the Government, their treatment by their agents, and various matters connected with them, which resulted in attaching him quite closely to the Indian race as a friend who believed that the Indian was to a great extent the victim of pernicious dishonesty practiced by many of those who had been entrusted with their practical or business affairs in connection with the Government. The result was that he espoused their cause whenever opportunity offered, and being abundantly courageous in speaking his mind, and a man of good ability, and withal equipped with much practical experience gained from his association with them during his life in the West, he was recommended to Mr. Hayes as a proper man to discharge the duties of an Indian inspector, and was appointed to that position or as superintendent and given charge of the northern superintendency, which included Dakota. The most important matter connected with the Sioux at the time, was their removal from the Missouri River to the interior of the reservation. Bids for doing the work which consisted in great part of the transportation of the stores and the material for the new Rosebud Agency, were called for but were found so largely in excess of appropriations and also of expectations that Pollock determined upon doing the work without the assistance of contractors, and for this purpose he ordered 100 wagons and harness for 400 horses, which were shipped forthwith to Rosebud Landing, where the wagons were put together, under Pollock's supervision, with Spotted Tail acting with him. As the wagons were put together they were taken to the warehouses and loaded, their contents inventoried, when the vehicle was hauled up on the plateau; and this proceeded until the entire 100 wagons had been loaded, covered with canvas and stood in order in a great semi-circle on the plateau above the agency. The Indians now came in with their ponies, and great was their enthusiasm when they beheld the long array of new wagons, all their own. It was Pollock's design to have the Indians do the hauling with their ponies and the following morning a suit of clothing was issued to each of the 100 teamsters. None of them had ever before been dressed in a suit of white man's clothes, and now came a remarkable and rapid change. Blankets were thrown aside, and pantaloons were drawn upon legs for the first time, vests followed, then caps, then hats. The transformation was finally complete, and as was remarked by the agent, "the wild, careless savage had disappeared, and a hundred men, clad in the garb of civilization, had taken their places." The harnessing of the ponies followed, and was accomplished with some difficulty, owing largely to the size of the harness which had been made for ordinary horses which are much larger than Indian ponies.

Every white man present lent a hand, however, and it was finally finished. As the teams were made up and hitched to a wagon, an effort would be made to start. Some of the ponies balked, went backward, refusing to pull, some went forward, and some started off at a brisk gallop in every direction. The Indians knew nothing about driving, and their ponies had never been broken to harness, but finally all these disagreeable features were adjusted, safely, and the grand train moved westward in orderly procession, a caravan over a mile in length, and four days later reached the new agency on the Rosebud.

The results, direct and indirect, growing out of this incident, were looked upon in later years as having a valuable and salutary bearing upon the new industrial life of the Indian. He had "broken the ice," had learned something about work, had discovered that it was not as disagreeable as he had apprehended, and thoroughly enjoyed the compensation which was paid to each one for his share of the labor. The incident was quite helpful. It was also less expensive, by \$5,000, so estimated by the agent, than the price demanded by contractors. Pollock remained in the Indian field for some years, and retired with an honorable record.

From Rosebud the Stanley commission proceeded west in quest of a location for Red Cloud and his 7,000 Oglalas, which had already been indicated by Red Cloud. The commission found two excellent sites, one on Wounded Knee Creek, a tributary of White River, 175 miles from the Missouri, and the other on White Clay Creek, 210 miles distant. The White Clay location was selected. On this mission the Stanley commission was accompanied by James B. O'Bierne, correspondent of New York Herald. Mr. E. K. Hayt, son of the commissioner of Indian affairs, accompanied the party.

Red Cloud's Agency was removed from Medicine to White Clay Creek late in August, 1878. Here substantial buildings were erected, and the main agency located. A sub-agent was retained at Yellow Medicine, where the Lower Brule tribe was located, and the agency became an adjunct of the agency at Crow Creek.

In 1878 the new agency established for the Oglala tribe under Chief Red Cloud, was built on White Clay Creek, a southern tributary of White River, and within fifty miles of the Black Hills. It was built on the border of the famous pine lands which were abundant, and which furnished the material for the buildings. From this circumstance it obtained the name of the Pine Ridge Agency. It was about two hundred miles west and south of Whetstone Landing on the Missouri River, and about the same distance from Fort Randall which was twenty-five miles below Whetstone. A first class highway connected the agency with the Whetstone depot where the steam boats deposited the supplies. A steam boiler, weighing ten tons was transported from Whetstone to Pine Ridge during the summer. There were about six thousand Sioux at Pine Ridge and a few hundred of the Arrapahoes and Cheyennes.

The supply depot at the mouth of the Whetstone, was retained for both the Rosebud and Pine Ridge agencies. The roads from this depot to the agencies had been surveyed and marked by the Stanley commission, who had finally determined the distances from the Missouri to the Rosebud, to be sixty miles; and to White Clay, 160 miles. Harney City was located opposite the Whetstone landing, and was notorious for a time as the liveliest settlement in the territory.

The Rosebud or Spotted Tail Indian Agency, the official headquarters of the Brule tribe of Sioux Indians, was about as complete in all essentials, as any of the numerous agencies in Dakota. It was built in 1878, after a lengthy and expensive contention between the Government and the Indians, in which leading army officers as well as civil dignitaries took part. Its location and substantial improvement was a decided victory for the Indians.

It was situated about eighty miles west of old Fort Randall. It was built on a small plateau surrounded by high bluffs. East of the agency flows the Rosebud Creek which empties its waters into the south fork of White River, three miles below. A light stockade, enclosing an area 400x500 feet, surrounded the



SPOTTED TAIL
Government Chief of Sioux Tribes, 1868



agency buildings. The agent's office was on the north side, in dimensions 20x40 feet, divided into three apartments, accommodating the agent, clerk and physician. It also contained an ante-room for visiting Indians, and a sleeping room for the clerk. West of the office at a convenient distance, was a large L shaped building, 200 feet in length and 30 feet in width; the issue store and warehouse. Its storage capacity was ample for a year's supply for the nearly seven thousand Indians who drew supplies from the agency. South of the warehouse was the private residence of the agent, 38x40, two stories, with a veranda on the east and south. It was equal in finish and internal arrangement to the best of ordinary modern residence buildings. South of the agent's domicile was the school house, 30x40 feet, divided into two rooms, and was in charge of the Protestant Episcopal Church. Southwest stands another warehouse, 30x70 feet, used exclusively for the storage of corn and flour. East of the school building was a row of four buildings, each 18x30, used as shops for the wagon maker, blacksmith, carpenter, harness maker, and painter. South of the office stands a large two-story double dwelling, for the physician and farmer. The buildings were painted white and presented a pleasing appearance. Outside the stockade a short distance were the stables. The corral and slaughter house were conveniently arranged for issuing and slaughtering the beef, and were located three quarters a mile away on the lower Rosebud. North of the agency buildings stood the traders' two stores. South of the stockade was Charles Tackett's store. He was an adopted member of the tribe. On the east bank of the Rosebud stood a neat and inviting mission chapel in charge of Rev. Wm. Cleveland, cousin of Grover Cleveland. There were thirteen regular officers and attaches at the agency, and as many more employees who were assistants to the farmer, blacksmith, and carpenter. There were also six herders and twelve laborers; and in addition the ox-train with twenty-four teamsters, under a train master. This train did the hauling from the supply depot on the Missouri River. The drivers were all Indians, and they were paid \$20 a ton for hauling. There was a sawmill seven miles away on the south fork of White River, operated by steam power when the water in the creek was low. The mill cut 3,000 feet of lumber a day, and 3,000 shingles could be made daily at the shingle mill. The agency farm lay between the agency and sawmill enclosed by a substantial fence. It contained a good farm house and stables, and furnished an agricultural school to the Indians who manifested a desire to learn how to farm.

Spotted Tail, the head chief, had built a very good residence building near by. It was larger than the agent and fitted up in comfortable style and somewhat expensively. Spotted Tail was said to be in the employ of the Government at a good salary, but the character of his services was not explained further than a suggestion that he saved the Government a great deal of money through his influence in keeping the Indians peaceable and encouraging them to industry. The chief's residence was two-stories, and contained eight rooms beside a council chamber and an audience room. He had four wives and was about to take another, as he had plenty of room to keep them separate. Three of his wives were sisters, and the fourth was their first cousin. The fifth that he was wooing was a sister of this cousin. Spot explained that it was the custom to marry all the sisters and near relatives, so the wives wouldn't quarrel. White Thunder, who ranked next to Spot, had five wives, four of whom were sisters and the fifth their aunt.

Spotted Tail in 1879, was about fifty years old, five feet ten inches in height, weighed a hundred and seventy pounds. He had a quiet demeanor, an intelligent face, and wore a pleased expression. He looked squarely in the eyes of those he conversed with. Speaking of the progress the Indians were making in their industrial life, he said they were doing well and would do better. They were anxious to be self-supporting. He said the Indians did not like to beg, and as soon as they were able to farm they wouldn't ask any more support from the white people. Speaking about the Indian schools, the chief said that he had sold

the Great Father's secretary that some of the Indian children had been to school for six years and did not know any more about the English language than when they began. He said:

We do not care about having our children taught to read and write the Dakota language. They know the Dakota better than their teachers, and they talk it enough at home. What we want them to learn is the English language; we want them to be able to read, write and talk in English. If we old folks cannot read nor understand English, we want our children to be able to translate for us the newspapers and tell us what the white people are doing. So long as we have Dakota teachers we will not send our children to school. We would like to have a large boarding school where we could send our children and have them taught by civilians and not by ministers. I am tired of them and do not want them here.

My people get a dollar a hundred for freighting and make a great deal of money. Go to their tepees and see the furniture they have; look at the children's clothes, the wives' ornaments, and it will be seen that the Indians have begun to understand the value of money. The time is passed when the white people can sell us brass for gold and get our ponies for nothing. Our agent is building a grist mill for us now and a bakery that will bake 400 loaves of bread a day. The Indian women have not learned to make good bread yet, and they waste a lot of flour. Another thing would please the Indians; the Great Father should appoint the Indian traders from among our own people; then the money he made would stay with our people and not be sent away to enrich the whites.

At this time there were some 7,000 people at the Rosebud who traded there, showing that Spotted Tail was fully appreciative of the value of the patronage of the people of his realm.

The new policy could not in the nature of its purposes move ahead at all rapidly, and therefore some of its supporters and early advocates grew disheartened and expressed discouraging apprehensions of its outcome, but this class, while respectable and somewhat influential, were not essential to the pursuit of the policy, and did not hinder it. From some one, or more, of a dozen reasons, they had become convinced that the Indian could not be civilized, and it was never intended that he should be. This had been the opinion of nine-tenths of the white people up to about the time the Territory of Dakota was organized. Civilization is a plant of slow growth. It does not make much appreciable advancement during one year, and little change can be expected in five years, though to the experienced and friendly person, engaged in promoting it, encouraging progress was observed among the Dakota Indians very early after the new policy was given the whole field, and this progress never slackened, but has been subject to periods of unusual advancement. It was not expected, at least by those who had given the matter their attention and their personal aid, that much change could be accomplished with the adults—it was expected to wean them away from the hunt, the tepee and the blanket, and furnish them something not harmful to occupy their time. It was the young people and the generations to be born, that were to justify the wisdom of the policy, who were to become accustomed to the atmosphere of civilization in their dress, their plays, their schools, where they were taught the English language and could thereby better comprehend the advantages of a civilized life and an industrious one. The young were to see and experience as little as possible of the former savage and barbarous life, and imbibe a lasting distaste for it.

THE YANKTONS AS MECHANICS

In mechanical industries not a great deal was looked for from the Indians. Those best acquainted with Indian character and best qualified to pronounce upon the kind of employment best suited to his nature and genius, recommended outdoor employments—the rearing of livestock first, which it was expected he would excel in, and along with it the growing of grain. It was therefore a matter that evoked considerable surprise and favorable comment when the territorial fair was opened at Yankton early in October, 1877, to find an exhibit there of staple useful articles wholly manufactured by the Indians of the Yankton Tribe.

It consisted of serviceable wagons, woolen fabrics, tin ware, ornamental bead and porcupine work, in quantity, together with grain and vegetables. The wheels and tongue of the wagons were the products of Indian genius as well as the parts requiring less skillful labor. Wheelbarrows were also shown of their own manufacture. Their woolen fabrics spun and woven at the Yankton Agency from wool of sheep sent to them by Indian Commissioner Smith a few years earlier and a flock themselves had raised, were well made up, were strong and serviceable, and many of them handsome in design. They were equal in quality and by many thought superior to the woolen goods furnished by the Government. The tin ware was pronounced equal in quality to any shown at the fair, and the woolen articles had no competitors made in the territory. In addition to premiums the red men and women received many congratulatory testimonials.

TRANSFER OF INDIAN BUREAU BEFORE CONGRESS

Congress had, at the session of 1878-79 and later, a joint committee, which had under consideration the transfer of the Indian bureau to the war department, and there was a fair prospect that it would succeed. Sheridan and Sherman were making strenuous efforts to effect it, and were backed by nearly all the military influence in Dakota, especially General Gibbons, who was then in command of the Dakota military district. The Crow Creek troubles were calculated to aid the transfer of the bureau as showing rascality under the interior department.

And about this time (Congress having just met, December, 1878), General Sherman filed an official communication with the Senate committee regarding the Indian situation in Dakota, in which he spoke disparagingly of Red Cloud and Spotted Tail affairs, and said:

It requires no prophet to foresee more wars near at hand, especially with the Sioux in the Upper Niobrara. The present Indian agents with these tribes, and also with the others on the Missouri River, at the Lower Brule, Claymont, Standing Rock and Fort Totten, are utterly and ridiculously powerless to keep their Indians peaceable, without the aid of the army. To me it is a matter of demonstration that for the present time, and for years to come, the Indian bureau itself, without the help of the army, cannot maintain in peace the larger tribes of the Indians, and peace is essential to enable the white citizens to till up the country.

General Gibbons, commanding the District of Dakota, in his report to the general of the army, commenting rather satirically upon the religious denomination control of the Indians, said:

The average Indian agent, intent upon the spiritual welfare of the god man, devotes all his energies to elevating the soul and achieving what has never yet been reached in a single generation—making a civilized man of him—but too frequently neglects his bodily wants, and while the agent is preparing him for heaven, as he thinks, he is actually making a hell for him upon earth by leaving him unclothed and unfed, while but too frequently the priest is pocketing the money and food is put into the agent's pocket.

The removal of the Red Cloud and Spotted Tail Indian agencies from the Missouri River to Rosebud, and White Clay Creek, displeased General Sherman, who was then in command of the army, and also General Sheridan, then in command of the great and important Division of the Missouri, wherein were located all the troublesome Indians. The generals laid the responsibility of the removal upon the interior department in charge of Hon. Carl Schurz, and the occasion gave rise to a newspaper controversy in which the generals and the secretary of the interior, appeared as principals and champions, and gave an illustration, though not a definite answer, to the query, "Is the pen sharper than the sword."

The military people had not abandoned the hope of securing a removal of this Indian bureau. A pen and ink contest had been waging eloquently and aggressively for nearly twenty years. The misfortunes which had befallen

to the administration of Secretary Schurz, and his active representative commissioner of Indian affairs, Mr. Hayt, gave the military people an advantage which they did not fail to improve; and Congress was prevailed upon to raise a joint committee from members of the Senate and House to investigate the transfer question.

The House members of this committee made a long report, in which it was stated:

The history of the governmental management of Indians, and the treatment which the Indians had received from the Government, was a shame and a mortification to all right-thinking and liberal-minded men. A proper solution of the Indian problem is pressing itself more strongly upon public attention every year, and is demanding the immediate attention of Congress, and cannot, with either safety to the Indians, or the honor of the Government, be longer delayed. Fraud and mismanagement are notoriously conspicuous in the Indian service; and we believe the interests of the Government and the good of the Indians will be best promoted by transferring the management of Indian affairs to the war department, leaving it discretionary with the secretary of war to appoint civil agents to those agencies which, in his judgment, the interest of all concerned will be best secured by such agent, and officers of the army where the interests of the service require it.

This indicates a remarkable change in the sentiment of Congress during the Hayes administration, but it did not reflect the majority sentiment, and was in direct conflict with the theory of the peace policy or industrial policy, which had made an encouraging beginning and was making progress.

The present occasion which brought this matter again before the country, was the removal of the Dakota Indians above referred to. The military people were strongly opposed to this step, and it was in direct contradiction of the terms of the Black Hills agreement in 1876, and also of the Sherman Treaty of 1868, which provided that all supplies for the Indians should be delivered to them at points on the Missouri River. It is easily seen that there was a great saving of transportation charges by this arrangement. Steamboats could carry the Indian supplies to depots on the river, where the Indians could receive them. On the other hand, with the receiving depots in the interior, there would be a long railway haul from Omaha, over the Union Pacific to Sydney, Neb., thence by wagons to the depots; and it was asserted that the cost of this transportation doubled the cost of the goods.

The Missouri and Yellowstone rivers were also the strategic base of military operations, and the construction of the substantial forts required, and temporary camps could be proceeded with in a systematic and comparatively economical manner, a feature of military administration which received the closest scrutiny of the generals, for it was only by the most persistent and earnest persuasion that they were able to get from Congress the appropriations needed to build posts and maintain the defenses on the western frontier. The cost of a first class fort, in some cases reached as high as a quarter of a million dollars for a good fort was a good-sized village in magnitude, and necessarily substantial. Sheridan said, after the Custer massacre, that "If he could have had the money to build two forts on the Yellowstone, that awful tragedy would not have occurred."

This question of expensive transportation, and the military base on the rivers, were strong points in the claims of the war department. General Sheridan had stated in one of his letters that Red Cloud and Spotted Tail had been allowed to select their agencies in the interior owing to a systematic working up of the case by traders and contractors.

Schurz retaliated by stating that the "policy was adopted by his department on the earnest advice of the distinguished Indian fighter and manager, General Crook, who, as a result of long experience with the Sioux, opposed any policy that would force the Indians, against their unanimous and determined protest, to stay on the Missouri River, as seriously endangering our peaceful relations with those powerful tribes." Secretary Schurz evidently overlooked the fact that

up to the last moment, he had, through the protest of the Commissioner of Indian Affairs Hayt, opposed the removal, and Spotted Tail definitely informed Mr. Hayt that he would burn the buildings on the Missouri River, if any obstruction were placed in the way of removal.

As this matter was understood by Dakotans, this location of the Indian agencies was not governed altogether by motives of economy, and the wishes of the great majority of the Indians were not considered. The chiefs assumed that they knew best what was most advantageous for the Indians and were not accustomed to consult their people in order to ascertain their sentiment. The great mass of the Indians at that time were not well informed on any matter affecting their welfare as the Government was endeavoring to promote it. It is altogether probable that the transportation companies were also interested—the steamboat people, backed by the Indian Rights Association, favoring the water route. Red Cloud, who was at Pine Ridge or in that vicinity where he was located in the interior, was 198 miles from the Missouri River. He was friendly to the Union Pacific and Omaha, where the opposition to the Missouri route was quite pronounced, and where General Crook, who is quoted by Secretary Schurz, had his headquarters, he being at the time in command of the department of the Platte.

This removal furnished an opportunity for urging a transfer of the Indian management to the war department, and though the transfer appeared to halt with the friendly report of the House committee, the army for a number of years was maintained in the territory, and detachments of troops were stationed in camps or temporary posts, at convenient distances from the agencies. Among the people of Dakota who were interested in the proposition, it was held that the Missouri River offered the most economical route for the Indian business, taking into consideration the fact that the supplies for the military must come by that route, and frequently the same vessel that brought supplies for the troops carried possibly an equal or greater amount for the Indians. But the opinion was quite pronounced among the people that the settlement of the Missouri Valley and its safety from depredations by lawless redmen, would be best assured by the location of the Indians at interior points, to be furnished with their supplies from depots located on the river, by wagon trains operated by Indian labor. This plan was the one finally adopted, in part.

The Indians, as a matter of course, were irreconcilably opposed to being transferred to the war department. The day had passed when the wishes of the Indians were not taken into consideration by the Government. It appeared that as the officers of the Government became more intimately acquainted with the nature and intelligence of the Indian, who apparently began to realize the unselfish and continued efforts that were being made in his behalf by the pale-faced people, that distrust and suspicion gave way to confidence, and a sentiment of friendship gradually developed in the breasts of the untutored savage. Thus familiarity bred respect and confidence.

The growth of improvement was looked upon as unnecessarily tardy, but it was substantial growth nevertheless and fully justified as such by its beneficial and permanent progress and results. It grew as the shapely tree grows, stronger and better, and the worst vices of the savage gradually disappeared. They have no abiding place in Dakota.

SHERIDAN'S ATTACKS ON UNNECESSARY EXPENDITURES

In a letter to General Sherman, in November, 1878, General Sheridan called attention to the prodigious expense the army was put to because of the frequent removal of the Indians by the interior department, from post to post, and the entire dependency of the Indian bureau upon the army to manage the Indians and maintain peaceful relations. Sheridan's letter is an impressive communication sent by Secretary Schurz to the general of the army, Sherman, and is re-

portant as showing how Government appropriations may be practically wasted by inexperienced officials.

The agency of the Oglala Sioux, ten or twelve years ago (in 1866-68), was at Fort Laramie, an expensive post built to control these Indians. The agency was removed from this post by the Indian bureau to Camp Robinson, on Shadron Creek, to avoid the presence of the military. Shortly after the necessity for a military force compelled that bureau to ask for troops to be sent to Camp Robinson, and a new post was built there at an expense which the general of the army can well comprehend.

The Spotted Tail, or Brule Sioux, were then at the Whetstone agency on the Missouri River, not far from where Fort Randall had been built, to give it and other interests protection, but these Indians were removed to Camp Sheridan, 250 miles farther west, and being unable after a time to get along without troops, a new post had to be established there at great expense. These Indians have been again moved and two more posts established since. They are now at Wounded Knee Creek and Big White Clay, and by and by the necessity of having troops will compel the erection of two new posts at each of these localities. These removals have cost us hundreds of thousands of dollars, and no one can tell how soon a new change may be made.

The Indians now at Standing Rock were first located at Grand River, and a military force was requested and Fort Yates was established to help govern them. Soon after they were moved up to Standing Rock, and being unable to do without troops, the post at Grand River had to be moved there. The post at Fort Sully was established to control the Yanktonnais and Minneconjoux Sioux, but the agency was moved up the river to get away from it, and in a little while a new post had to be established there. The post at the Lower Brule agency was subjected to and followed the same conditions.

The post at Fort Stevenson was established to control the Gros Ventres, whose agency was at Fort Berthold, and subsequently the Gros Ventres agency was moved up to Old Fort Union, and Fort Berthold had to be established and enlarged in the vicinity; and then the Gros Ventres agency was moved up to Fort Peck, and the troops had to follow there, and then the agency was moved down to Poplar Creek, so that it will be seen that this matter of moving agencies about was well understood. Now these removals, which have absorbed millions of our appropriations in the last ten years, would naturally suggest the inquiry, "What were the reasons that influenced them?" It could not be to have better soil, or less expenses, because the soil was no better, and the expense of supply was greater.

These changes, and the reports of army officers from the highest to the lowest (and which are to be found in the office of the general of the army), on the subject of bad management, frauds and corruptions, will furnish the best and most reliable evidence to sustain the remark made. In addition, I have had, by visits to agencies and military posts, opportunities to get the views and impressions of people there, and I am led to the conclusion that the main causes for these removals was hostility to army officers because of their reports, which come in the way of their official duties; and after the removals were made from place to place it was found that the Indians could not be controlled, and troops had to follow; first one company and then a post. During the six and a half years of my service on the Pacific Coast before the war, most of which time I was on Indian reservations, I observed the same jealousies and arising from the same cause.

The changes named are only some of the instances of the expensive conditions attending the administration of Indian affairs which have to be borne by the army, and which cry out loudly for reforms. It can scarcely be possible that the honorable the secretary of the interior, means to take up the defense of Indian management for the last quarter of a century. Then why should he have used language toward me as he has in his communication to the honorable secretary of war? There can be no excuse for his want of knowledge on the subject, and that does not excuse the stilted tone and the language used.

I fully understand the relations of the military to the civil administration of the Government, certainly as well as the secretary of the interior, and know nothing in those relations which should prevent me from calling the attention of my superiors to unnecessary waste of the public money through the bad administration of the Indian bureau.

P. H. SHERIDAN,
Lieutenant General United States Army.

SCHURZ EXPLAINS

In his annual report for 1878, submitted November 28, Secretary Schurz presents his opinions of the much mooted management of Indians, which he has formed during his nearly two years incumbency of the cabinet position which he has held. Reference has already been made to the political party conditions existing at the time, which were of a character to induce extraordinary investigations of the doings of the previous administration for the purpose of showing that it had not deserved the confidence and good opinion of the Amer-

ican people to the extent these had been accorded to it. Both administrations were under republican presidents and cabinets but the foes of one's own household are proverbially much more uncompromising than foes of a separate household. Hence, it was discovered that Secretary Schurz found affairs in the Indian management in a reprehensible condition. Concerning this division of his department, he says:

The Indian service has been reorganized in several of its branches. It was found necessary to remove a number of agents on account of improper practices or lack of business efficiency, and great care has been taken in filling their places with new men. Where mistakes were found to have been made in the selections they have been promptly rectified. Important changes have been made in the contract system and methods of accountability. Active supervision has been exercised by inspectors and special agents. Detection of fraud has been followed by vigorous prosecution, and on the whole I feel enabled to say the character of the service has been raised in point of integrity and efficiency. I am, however, far from pretending that the present condition of Indian affairs is what it ought to be. Experience gained in earnest effort to overcome difficulties and correct abuses has enabled me to appreciate more clearly the task still to be accomplished. Gradual improvements can be effected only by patient, energetic and well-directed work in detail. An entirely satisfactory state of things can be brought about only under circumstances which are not and cannot be under control of the Indian service alone.

1. If a recurrence of the Indian trouble is to be avoided, the appropriations made by Congress for the support of the Indians who are not self-supporting must be liberal enough to be sufficient for that purpose, and they must be made early enough in the year to render the purchase and delivery of new supplies possible before the old supplies are exhausted.

2. The Indian service should have at its disposal a sufficient fund to be used with proper accountability, at discretion, in unforeseen circumstances.

3. Citizens of the western states and territories must be made to understand that if the Indians are to cease to be troublesome, the paupers and vagabonds are to become orderly and self-supporting. They must have lands fit for agriculture and pasture, that on such lands they must be permitted to reign and establish permanent homes, and that such result cannot be obtained if the white people insist upon taking from them, by force or trickery, every acre of ground that is good for anything.

The first of two things can be accomplished by appropriate action on the part of Congress. The difficulties growing out of the continually reported encroachments by people on the rights of the Indians may be lessened by the concentration of the Indians on a smaller number of reservations.

To keep Indians on their reservation and prevent disturbances and conflicts, the commissioner of Indian affairs recommends the organization of a mounted body of Indian police or auxiliaries, to be drawn from the young men of the various tribes, and placed under the command of the military authorities. I heartily concur in this recommendation. It is a matter of general experience that the Indian accomplished can be depended upon as to loyal fidelity to the duties assigned him.

The principal end of our Indian policy consists in gradually introducing among the Indians, habits and occupations of civilized life, by inducing them to work for their own support, by encouraging pride of individual ownership of property, and by educating the young generation; and no efforts should be spared to bring to bear upon them proper moral influences in that direction. Such efforts should not be stunted at a step, by capricious fancies, nor should they be discouraged by the assertion that success is impossible. The advance made by some Indian tribes is sufficient proof that such efforts may be made by others.

The Sioux, so far, have given evidence of a loyal spirit, and rumors current that they were showing a hostile disposition, proved unfounded. Great difficulty was encountered in sending supplies from Missouri River to the new agencies, and in consequence of the opposition of transportation contractors to force the Government to pay exorbitant prices, the bids were rejected and an organization of wagon trains to be met by Indians with their ponies, proceeded with their task, which was difficult, owing to the character of the country and the circumstance that the grass had been burnt off the plains between the Missouri River and the new agencies, as rumor has it, by and through means of being shot at. The failure of this experiment, but it has so far been unsuccessful.

PRESIDENT HAYES MENTIONS THE TRANSFER

President Hayes, in his message to Congress in December, 1879, states the status of that movement in Congress and his position toward it, in the following brief paragraphs:

The question whether a change in the control of the Indian service should be made, was in the forty-fifth Congress referred to a joint committee of both houses for inquiry and report. In my last annual message I expressed the hope that the decision of that question, then in prospect, "would arrest further agitation of this subject, such agitation being apt to produce a disturbing effect upon the service, as well as upon the Indians themselves." Since then, the committee having reported, the question has been decided in the negative by a vote in the House of Representatives.

For the reasons here stated, and in view of the fact that further uncertainty on this point will be calculated to obstruct other much needed legislation, to weaken the discipline of the service, and to unsettle salutary measures now in progress for the government and improvement of the Indians, I respectfully recommend that the decision arrived at by Congress at its last session, be permitted to stand.

CHAPTER LXV HOSTILE INDIANS ALL SURRENDER

1878-79

(Peace Policy—Concluded)

GENERAL NELSON A. MILES COMMANDING IN THE FIELD—HOSTILES ANXIOUS TO GIVE THEMSELVES UP—GREAT FATHER WOULD ACCEPT UNCONDITIONAL SURRENDER—INDIANS YIELD TO INEVITABLE NECESSITY—GIVE UP THEIR PONIES AND FIREARMS—SITTING BULL THE LAST TO COME IN—SITTING BULL RELATES STORY OF HIS CAREER—THE CHIEF IS HELD AT STANDING ROCK BUT NOT IMPRISONED—THE FINAL ACT IN THE LIFE OF THE GREAT INDIAN—JOINS THE MESSIAH CRAZE AND IS SLAIN BY HIS OWN PEOPLE—THE SISSETON AND WAHPETON INDIANS—THE SIOUX AT DEVIL'S LAKE—A TREATY WITH THE MANDANS.

PRESIDENT ARTHUR'S VIEW OF INDIAN POLICY

In his first message to Congress, December, 1881, Pres. Chester A. Arthur presents the question of Indian affairs in a very intelligent, candid and practical manner, and in doing so highly commends the peace policy which had then been pursued for about ten years with favorable results. As Dakota was then the important field in which the Government was engaged with its industrial policy, the suggestions and comments of the President will be locally interesting. The President said:

Prominent among the matters which challenge the attention of Congress at the present session is the management of our Indian affairs. While this question has been the cause of trouble and embarrassment from the infancy of the Republic, it is but recently that any efforts have been made for its solution, at once serious, determined, consistent and promising of success. It has been easier to resort to convenient makeshifts for relief upon the temporary difficulties than to grapple with the great permanent problem, and consequently the easier course has almost invariably been pursued. It was natural at a time when the national territory seemed almost illimitable, and contained many millions of acre beyond the bounds of civilized settlement, that a policy should have been pursued which, more than aught else, has been the fruitful source of our Indian complications. I refer, of course, to the policy of dealing with the various tribes as separate nationalities; of regulating them by treaty stipulations to the occupancy of immense reservations in the West, and of endeavoring them to live undisturbed by any earnest and well directed effort to bring them under the influence of civilization. The unsatisfactory results which have sprung from this policy are apparent to all. As the white settlements have encroached the borders of the country, the Indians, sometimes contentedly and sometimes against them, will have been transferred to other hunting grounds, from which they have never been excluded when yet their new found homes have been desired by the adventurous settlers. These removals and the frontier settlements by which they have been surrounded have led to numerous and disastrous conflicts between the races. It is not proper to charge these troubles on them but to make them responsible for the disturbances, whose remote causes are large as some of the pages of our history. We have to deal with the appalling fact that thousands of lives have been sacrificed and hundreds of millions of dollars expended in the attempt to solve the "Indian problem."

It had until the past few years seemed hardly proper to refer to these things as a century ago; but the Government has of late years been constantly and profitably looking the way toward the adoption of a policy which has already produced gratifying results, and

which, in my judgment, is likely, if Congress and the Executive accord in its support, to relieve the reservations from the difficulties which have hitherto beset us. For the success of the efforts now making to introduce among the Indians the customs and pursuits of civilized life, and gradually to absorb them into the mass of our citizens, sharing their rights and holding to their responsibilities, there is imperative need of legislative action. My suggestion in that respect will be chiefly such as have already been called to the attention of Congress, and which have received, to some extent, its consideration.

First, I recommend the passage of an act making the laws of the various states and territories applicable to the Indian reservations within their borders, and extending the laws of the State of Arkansas to that portion of the Indian Territory not occupied by the five civilized tribes. The Indians should receive the protection of the law. They should be allowed to maintain in court their rights of person and property. The Indian has repeatedly begged for this privilege and its exercise would be very valuable to him in his progress toward civilization.

Second, and of even greater importance is the measure which has frequently been recommended by my predecessors in office, and for the furtherance of which several bills have, from time to time, been introduced in both houses of Congress: The enactment of a general law permitting the allotment in severalty to such Indians at least as desire it, of a reasonable quantity of land secured to them by patent, and for their own protection made inalienable for a period of twenty or twenty-five years, is demanded for their present welfare and their permanent advancement. In return for such considerate action on the part of the Government, there is reason to believe the Indians in large numbers would be persuaded to sever their tribal relations and to engage at once in agricultural pursuits. They would soon learn that their hunting days were over, and that it is now for their best interests to conform their manner of life to the new order of things. By no greater inducement than the assurance of permanent title to the soil can they be led to engage in the occupation of tilling it. The well attested reports of their increasing interest in husbandry, justifies the hope and belief that the enactment of such a statute as I recommend would at once be attended with gratifying results.

A resort to the allotment system would have a direct and powerful influence in dissolving the tribal band which is a prominent feature of savage life, and which tends so strongly to perpetuate them. I advise a liberal appropriation for the support of Indian schools, because of my confident belief that such a course is consistent with the wisest economy. Even among the most uncultured Indian tribes there is reported to be a general desire on the part of the chiefs and older members, for the education of their children. It is unfortunate, in view of this fact, that during the past years the schools which have been at the command of the interior department for the purpose of Indian instruction, have proved to be utterly inadequate.

The success of the schools which are in operation at Hampton, Carlisle, and Forest Grove, should not only encourage a more generous provision for the support of these institutions, but should prompt the establishment of others of similar character. They are doubtless much more potent for good than the day schools upon the reservations, as the pupils are altogether separated from the surroundings of rough life, and brought into constant contact with civilization.

General Miles spent the summer of 1879 in the north watching Sitting Bull. His supply depot was at Fort Peck and his camp near Bear Paw Mountain.

EARLY MILITARY MOVEMENTS

While at Fort Keogh, in June, 1880, General Miles was ordered by General Sherman, at the request of General Terry, to organize a strong column and move north across the Missouri River, to the country south of the International boundary line, and attack, arrest or drive back the hostile Sioux supposed to be hunting buffalo on American soil, and occasionally attacking whites. This move was expected to be a matter of international interest inasmuch as Sitting Bull and his people were at the time considered to be British subjects, and it was held at Washington that they were invaders.

The army officers campaigning in Western Dakota in 1878 were of the opinion that Sitting Bull could not remain long in British America owing to the scarcity of buffalo in that country, and his people would be compelled to return into the United States to procure meat. The buffalo, always an important factor in considering the Indian question, had now assumed a new importance. General Cook, quite famous in the Indian wars of those years, believed that the decrease of the buffalo had been so rapid that the Indians would have to find some other means of subsistence, and this condition would compel them still more to rely upon the Government. It was estimated that over 100,000 buffalo

had been slaughtered every year for the past ten years, and the natural increase had been very much less. The largest proportion of the buffalo killed were cows, and this ratio of decrease in the numbers of the female, pointed to the early extinction, practically, of the animal. Careful estimates regarding the buffalo were made by General Crook, based on the large number of hides shipped from the various trading posts down the Missouri River. This number was found to be fully 60,000 a year, for several years, and it was known that thousands of buffalo were killed at a season when their hides are worthless for commercial purposes, and were not shipped.

The Indians relied upon pemmican for subsistence when engaged in hostilities and when on the hunt. It was the mainstay of the Indian family; but it could not be prepared by them without buffalo; thus by its disappearance the hostile savage was brought to face a problem of subsistence in a new light. The reader will observe the coincidence of peace, substantially, with the Indian tribes, and the gradual fading away of the buffalo.

It became apparent to the military authorities at the various forts and military camps in the northwest portion of Dakota and Montana, then under command of Gen. Nelson A. Miles, that the recalcitrant and heretofore incorrigible Sioux Indians, who had been associated with Sitting Bull and self-exiled in British America practically since the Custer massacre in 1876, were becoming homesick, and hungry, and were inclined to get back to the Great Father's bountiful table. The evidences of this desire to return were made so plain and authoritative, that the President directed that the Indians should be permitted to return unmolested, and should surrender to the military authorities as prisoners of war; their arms and ponies taken from them, and they sent to such agencies on the Missouri River as the secretary of the interior should designate. It was then intended to sell the ponies and arms, the proceeds to be used to feed and clothe the repentant rebels; there would be probably many thousands of the ponies, but whether such disposition was made of the entire property cannot be here stated on authority. There were reports of the sale of large numbers of the ponies, and the reader has probably observed that in later years a claim was made against the Government by Indians at Pine Ridge and Cheyenne and Standing Rock, for several thousand confiscated ponies that, it was alleged, the Government had wrongfully taken from the Indians and sold. In the interest of maintaining peace it is probable that these claims were amicably adjusted. The action of the Government in taking the animals from the Indians, at the time, was to be commended. It had for three years maintained an army in that country, for the purpose of keeping these Indians from raiding and working upon the ranches, the emigrant trains, the military camps, and raiding the working parties engaged in building the Northern Pacific Railroad. The expense of maintaining this army and erecting posts for their accommodation and the buying of supplies had been enormous, and the military duty arduous. By accepting the surrender of the hostile people and taking from them their ponies and arms, the frontier was at once freed from these predatory and warlike bands and there was nothing whatever to be gained by refusing to take them back. During the year, from two thousand to two thousand five hundred, counted as hostile, made their way in large numbers to Fort Keogh, Fort Buford and the Milk River Post, gave up their arms and ponies and as a rule were sent to the agencies where their tribes were located. In August there were 6000 sent north their way to Fort Keogh on the Yellowstone. At that time Secretary of the Interior Schurz, who was touring the West, was apprised of the surrender and gave orders from his residence in the Yellowstone Park designating the points to which the Indians were to be escorted.

THE SURRENDER OF SITTING BULL AND HIS FOLLOWERS

General Miles, who had charge of military operations north of the Missouri River to the Canadian border, paid Washburn a special visit in the summer of

1880, for the purpose of consulting with the secretary of war concerning Sitting Bull and his hostile Indians, who had been making their abode in British America since the Custer massacre, but who had now found it necessary, in order to provide themselves with subsistence, to invade the Territory of Dakota, and were then within our domain. And because their frequent inroads made it necessary to maintain a large military force in the country, and military posts, it was esteemed best to adopt a policy that would look to compelling the Canadian government to prevent their crossing into the territory of the United States, or of excluding them altogether and leaving their treatment and government solely with the United States. General Miles submitted his ideas of the best policy to pursue to Secretary of War Ramsey, who had it referred to the attorney-general.

Miles, in a letter, stated in substance, that three years' experience had demonstrated to him that the Sitting Bull Indians could not subsist during the winter season without crossing the border line into this country, where, as an invariable sequence, they commit wholesale depredations upon the settlers. The general stated that a portion of the Indians desired to surrender, and these, the general recommended, should be received as prisoners of war, and held until such time as they could safely be turned over to the interior department, the remainder to be treated as outlaws. He held that they should not be harbored by the Canadian authorities, immediately upon our borders, where they were a constant menace to peace on our side.

The state department was inclined to take the ground that Sitting Bull and his Indians were British subjects, and that the Canadian government must be held responsible for them. But this view had its impracticable features. The plan recommended by Miles of taking charge of them while they were in a peaceful mood and holding them until the interior department could handle them with safety, appeared to meet with most favor. It was a new departure in the Indian policy, but the confidence felt in the wisdom and prudence of the general, and the utter absence of any other practical method of handling the problem, settled the administration upon the Miles' policy, the general returned to his district north of the Missouri, and it was not long after his arrival that Indians from Sitting Bull's camp began to apply for leave to surrender. The policy was not only a practical one, but was wise, humane and had a permanently beneficial effect.

Adopting the plan proposed by General Miles, the war department through General Sherman, instructed Miles to receive the surrender of the hostiles in any numbers, the surrender to be without conditions, the Government to use its discretion in the treatment of the prisoners after they gave themselves up. In May about one thousand of the hostiles belonging to Sitting Bull's forces, that chief not being present, assembled near the Poplar River Agency above Milk River, and held a council to consider the question of a surrender, and to learn the terms under which their surrender would be received. At that time it was understood that Sitting Bull would interpose no obstacles to the surrender of such of his people as preferred that course, but for himself he had determined that he would remain in Canada, and never surrender. Gall, a chief, ranking very high in the hostile bands, was one of the leading men at Poplar River, and the council determined to send a messenger from their bands in to Fort Buford, then commanded by General Hazen, and learn from him the terms upon which their surrender would be received, the Indians as yet having had no authentic advices that they would be taken back until their warlike spirit was thoroughly subdued by chastisement and deprivation. The ambassage was sent to General Hazen, the spokesman of the party being a young Uncpapa warrior. One morning in May, he presented himself to the general at Fort Buford. His name was Young Bull, an adopted son of the redoubtable hero of the battle at Little Big Horn, who delivered his message to the commanding officer, as follows:

My people sent me here, having for a long time heard of the chief at Buford. Having been at war ten years they don't want to fight longer. We have never struck the first blow.

When there has been riches and gold in our country you have driven us away from it. Here is my message from Sitting Bull. "My father, Sitting Bull's father was a great man, but they cast me out and left me on the prairie. I have been driven a long way from my country to the last point I can be driven to, and I want to know who is doing it. I want to know what you will do with us if we will surrender. If it is good, I will accept it. If not, I won't. I will wait until the young man goes back. I want to know if you will build me a trading store for myself. You have driven me to the last point and I don't want to give up my country forever without some place and some pay for it. If what you say is true and good, then send me four prisoners now at Fort Keogh, and I will come and surrender."

The message the young Indian had delivered was in the words Sitting Bull had given him to speak. General Hazen gave the young ambassador the information he desired, which was simply that the Government would give them no terms, but would accept their unconditional surrender, and they would be required to give up all their arms and ponies. The young man represented that nearly all the Indians who were engaged in the Custer battle were at Poplar River waiting for his return and for General Hazen's answer. He was generously treated at the fort, supplied with subsistence, and allowed to return to his people on a steamboat which opportunely came along bound for Benton.

While the Indians professed to be somewhat indignant at the humiliating terms the Government had imposed, they had concluded that anything was preferable to starvation, and it was not many weeks before small bands began to put in an appearance at Buford, prepared to surrender but demanded a modification of the terms. The military people were inexorable, and in fact they had no discretion. The Indians were compelled to surrender arms and ponies, which would leave them nothing to fight with, and then they would be placed under the direction of the army. In this business the Indian bureau had no part, the army had complete jurisdiction, and held it so far as a large portion of these ex-hostiles were concerned, for a number of years.

The surrender policy recommended by Gen. Nelson A. Miles became the fixed policy of the Government, and proved a panacea for all the serious Indian troubles. When the Indians were made aware of the fact that they could surrender they began to come in to the forts and give themselves up. By the 20th of August about eight hundred had made their appearance at Miles' headquarters at Fort Keogh, on the Yellowstone, had been disarmed and dismounted. Their arms and their ponies were to be sold and the proceeds used to purchase supplies for their subsistence. In their future career it was determined that they would have no use whatever for arms and very little for their animals, for after being subjected to a process of taming at the old agencies from whence they had gone to fight with Sitting Bull, they would enter the ranks of good Indians and be placed in line for the work of civilization under the industrial policy that was then being wisely and energetically enforced.

The Indians generally understood that they were in the future expected to work for their living, that they could in no other way provide food and clothing for themselves and families, and while the Great Father stood ready to provide temporary support in cases of merit and necessity, he did not propose to longer sustain his red children in idleness. These prisoner Indians, for they were held as prisoners of war, would be kept for some time under the supervision of the army, and when their condition and conduct would recommend it, they would be turned over to the civil authorities represented by the interior department, and returned to the agencies, rejoining their old tribe. The surrender of these people must have been known to and approved by Sitting Bull, who saw that there was no other course open to them unless they were prepared to starve, and the wily leader had it also in mind probably to follow in the path his people had made to the forts where the surrenders were accepted, when he could show a reasonable pretext for yielding.

It is not probable that Sitting Bull expected to be shown any favors recorded to the others who surrendered, for there was much less friendliness felt for him than for the others, but he was a very proud Indian and was very desirous

that it would accord better with his dignity and reputation if he would exhibit a reluctant spirit and demand concessions, which being denied, he could, with a show of much sacrifice, yield to overwhelming numbers and military necessity, and then take his place with the common people who had given themselves up, and were already enjoying the bounties of the Great Father's well supplied table.

At this time, a more tranquil condition prevailed throughout all the Dakota frontiers. The war clouds had been drifting away and disappearing. Gen. Nelson A. Miles had been in active command of military operations and by an aggressive policy never surpassed in the annals of Indian warfare, had broken the spirit of hostility among the hostiles and they were suing for peace. Sitting Bull had remained in British America, and had quite a large force under his direction. His Indians had been able to subsist on the game which the country afforded; but before in the winter of 1879-80, they suffered for food, and Miles forbade them coming across the line to hunt.

Early in 1880 Sitting Bull submitted a proposition to surrender himself and band, which was now reduced to comparatively a small number, on the terms proposed by the President, provided he should be allowed to come to Fort Keogh without military escort, or be subject to interference by Indian agents. His application was sent forward to the President; but it was not expected there would be any modification of the terms of surrender in the case of the notorious leader. And there was no attention paid to it more than to inform him, unofficially, that no exception would be made in his case, that he would be required to surrender unconditionally, with his guns and ponies, just as the other Indians had done.

Following this, within a few weeks, the notorious medicine chief came into Fort Buford, with 200 of his people, his immediate family and retainers, the last of the incorrigible element, on the 20th of July, 1881, and voluntarily surrendered to Major Brotherton, the commander. Fort Buford was the post situated nearly opposite the mouth of the Yellowstone.

Sitting Bull wanted to surrender, but he was averse to an unconditional giving up to the Government and wanted certain privileges coupled with the event, which included a separate reservation and other impracticable factors to show that he had been accorded consideration due to his importance as a chieftain of rank and influence; but General Hazen, who was in command at Fort Buford, simply informed him that the terms of his surrender required the giving up of all arms and ponies belonging to himself and his followers. The eminent chieftain was highly indignant, and disposed to remonstrate, but he and his people that were with him, were very hungry and growing hungrier. An Indian prizes highly his ponies and his gun, but he realizes that he cannot eat them, and finding the officer unyielding, submitted to the terms, and were humanely treated during the interval that elapsed before the steamboat came and bore them away to Standing Rock, where Sitting Bull and his people were to be kept under military surveillance.

The Sitting Bull cavalcade consisted of six army wagons loaded with squaws and children, followed by thirty Red River wagons well filled with baggage; Sitting Bull and his chiefs and ex-warriors rode their ponies. At this time there was no ceremony of welcome. The commander of the post simply took them in, gave them blankets and food, provided them comfortable accommodations, and directed them to the place where they would remain until the steamboat General Sherman called for them, when they would be transported to Fort Yates where about three thousand five hundred of the repentant Sioux had already been gathered and were awaiting to be assigned to their future homes. Sitting Bull was among the last to give in. He had been urged to the step by the trader at Poplar River, and by the physical necessities of his people, who had been leaving him all through the warm season and seeking an asylum under the Great Father's protection, from which they had been absent for full five years, except as many of them, had surreptitiously visited the agencies. Sitting Bull made no demon

stration on his arrival; uttered hardly a word; simply stood sullenly awaiting any disposition the commanding officer saw fit to make of him.

A day or two later the commanding officer held something of a formal council with the fallen medicine man of the Sioux nation. Sitting Bull entered the council, and seated himself at the left of Major Brotherton, placed his rifle, which he had not been required to give up between his feet, and with a sullen expression tinged with anger or ugliness, remained silent. His dress consisted of a cheap calico shirt, considerably worn in appearance, from long use, and somewhat soiled, a pair of black leggings, a blanket dirty and old, and a calico handkerchief was tied in turban fashion about his shapely head so as to protect his eyes which were red and sore. In this silent posture there was nothing whatever remarkable about the man to indicate that he was anything more than an ordinary Indian silent and stoical in demeanor. Major Brotherton opened the council by stating in a positive manner, from which there would be no appeal, the policy the Government would follow in its disposition of the surrendered prisoners, and by which Sitting Bull and his people will be governed. They would be sent to join the other surrendered Sioux at Fort Yates. He assured them that the military people would treat them well if they behaved well. There were some manifestations of approval among the chiefs when the major had concluded, except Sitting Bull, who gave out no sign whether he was pleased or displeased, evidently expecting to make some modification of the programme when he replied, which he proposed to do and which the major courteously invited him to. Sitting Bull did not immediately respond; he seemed to be ruminating, or gathering his thoughts for an eloquent effort. He then addressed a few words to his Indian attendants, which were not interpreted, then turning to his little son who was with him, he told him to take up his rifle and present it to Major Brotherton. This was done, when the chieftain said:

I surrender this rifle to you through my young son, whom I now desire to teach in this manner that he has become a friend of the Americans. I wish him to learn the habits of the whites and become educated as their sons are educated. I wish it to be remembered that I was the last man of my tribe to surrender my rifle. This boy has given it to you and he now wants to know how he is going to make a living. Whatever you have to give or whatever you have to say, I would like to receive it now, for I do not want to be kept in darkness any longer. I have sent several messengers in here from time to time, but none of them have returned with news. The other chiefs, Crow King and Gall, have not wanted me to come, and I have never received good news from here. I now wish to be allowed to live on this side of the line or the other as I see fit. I wish to continue my old life of hunting, but would like to be allowed to trade on both sides of the line. This is my country, and I don't wish to be compelled to give it up. My heart was very sad at having to leave the great father's country. She has been a friend to me, but I want my children to grow up in our own country, and I wish to feel that I can visit my old friends on the other side of the line, Major Walsh and Captain McDonald, whenever I wish, and would like to trade with Louis Legare, as he has always been a friend to me. I wish to have all my people live together on one reservation of our own on the Little Missouri. I left several families at Wood Mountain and between there and Devils Lake. I have many people among the Yanktonians at Poplar Creek, and I wish all of those and those at Standing Rock to be collected together upon one reservation. The people here many of them have been bad. All are good now, that their arms and ponies have been taken from them.

(Addressing Major Brotherton.) You put the ground with me and my people, and help each other. I do not wish to leave here until I see all the council. I don't believe the Umpapas now at Poplar Creek. I would like to have our medicine men come to Fort Yates, sent up here to visit me, and also children to come there, so that they shall be happy, and I would like to know that Louis Legare will be satisfied for his people to remain here and my people here.

This closed the council. The major simply assured Sitting Bull and the others that the Government would deal with them in the manner best suited to their welfare, and then dismissed them giving them in charge of Captain Littera.

Quite reluctantly, the notorious chief and his party were taken on board the steamboat General Sherman, which had been sent up to Fort Totten for the purpose, and on the 29th of July, 1881, started for Fort Yates. His people had

delay could not be granted. A steamboat chartered to carry Indians or merchandise for the Government receives a per diem compensation, and a liberal one, therefore the Sherman was expected to make no delay.

There were 187 of the Sitting Bull party, counting women and children. There were over three thousand five hundred of his old guard at Yates and more to come from Keogh. Those who had talked with Sitting Bull found him quite unfriendly but not to the extent of desiring to renew a war with the Government; and feeling that he was grossly persecuted. He denied that he had committed an offense for which he deserved punishment—he had only defended his country and himself from their enemies. He was not conquered, but he was destitute and his people were close to suffering for the necessities of life and he had only taken the only way open to him to provide for them.

A brief halt was made at Bismarck on the way down, and the chiefs were allowed to go ashore, and were taken to a hotel for dinner. Here Sitting Bull saw the first locomotive engine he had ever seen. His life had been passed remote from such devices. The engineer pulled the throttle-valve, and as the engine moved away he drew his blanket closer about himself, and said he didn't want to see it again, and refused to ride upon it. At Bismarck it was discovered that he could write his name and he was besieged by a large number of people of both sexes for his card. Of some he received recompense. He wrote clearly and quite rapidly, but it was observed that he copied from a card that he carried with him. He was now fifty years of age. He appeared to enjoy the attention he received, and strutted as he walked, indicating that he was not averse to being an object of interest. The stay at Bismarck was brief; the date July 31st, and August 3d the Sherman tied up at Fort Yates and there discharged its cargo of human freight.

It was not in the least the intention of the Government to treat Sitting Bull and his people as the prodigal son was treated, but rather to impress upon them that they had been guilty of the grossest ingratitude by turning their arms against the Great Father while at the same time they were being sustained by his bounty; that their unprovoked depredations upon and murders of white people were deserving of serious punishment, but its infliction might be withheld or greatly modified by their conduct thereafter. They were for a time on probation and under bayonet rule. To such an extent was this the case that whenever one of them was disinclined to obey orders the bayonet was pressed into service. The rigidity of this rule was noticeably relaxed, however, on the occasion of the arrival of the Sitting Bull party at Fort Yates. All the Indians were landed except the famous warrior, his father, Four Horns, and Chief Running Antelope, who remained. These three were ushered into the cabin of the boat where they were introduced to the officers of the fort and their ladies and a number of whites employed at the post. Sitting Bull was very gracious to the ladies and furnished them his photograph without fee or reward, while he made a charge of from \$1 to \$5 to all others. His favorite daughter was not there to greet him. She had been sent out to a camp some distance off where about two thousand others were being guarded. It was designed to make Fort Yates a permanent camp for Sitting Bull and such of his Indians as could not be trusted to return to their former agencies, for it should be remembered that every one of these people belonged to some tribe of the Sioux nation, and in their tribal organization every tribe had been at peace with the Great Father for many years. There were a large number of Yanktonnais, nearly a thousand of Red Cloud's people, in fact every tribe except the Yanktons were said to be represented.

As the Indians improved in physical strength they began to get restless under the strict regime which had been adopted for the purpose of preserving a proper discipline among them. Sitting Bull was ill-natured; and plans were laid by numbers of them to escape. A quantity of pistols, a few guns and ammunition were found secreted in the camp which had been stealthily brought in by some

of their visiting friends, and it was deemed best to separate the leader from his people by removing him to some other location. The camp itself, now grown to nearly seven thousand in number, composed of the unfriendly class, was regarded as a menace to the peace of the border. The military force was regarded as insufficient to prevent a hostile uprising should the Indians be able to act concertedly; and there was further cause for apprehension of trouble to follow the recent assassination of Spotted Tail who exercised a restraining influence upon the belligerent young men of his tribe, but who might now be won over easily by emissaries from Sitting Bull, who was still defiant and ugly under the restraints which he was compelled to submit to. Finally it was determined to remove Sitting Bull and a few of his closest relatives and chiefs to Fort Randall, and the steamboat *Sherman* was sent for upon which to transport the party to that post. Sitting Bull was informed of his proposed transfer, and angrily protested against it, and so defiant did he become that a company of troops was detailed to move his camp to the river banks, where he was kept under close restraint until the steamboat arrived. The Indians were disposed to aid Sitting Bull in his refusal to be removed and the result was that every white man employed at the post as well as the soldiers were armed and prepared for a fight should the resistance become serious enough to warrant it. It was suspected that many of the Indians were armed. The steamboat finally came along, the Sitting Bull party was marched aboard with bayonets behind it, and Company H, Seventeenth Infantry went along to keep the peace during the trip. Sitting Bull was interviewed during the voyage by some one curious to get him to relate the story of his remarkable career. He was asked: Where were you born and when?

Sitting Bull replied:

I don't know where I was born and cannot remember. I know that I was born at I would not be here. I was born of a woman; I know this to be a fact, because I exist.

Sitting Bull then held a long conversation with his uncle, Chief Four Horns, and after pointing at different fingers for some time, said:

I was born near old Fort George, on Willow Creek, below the mouth of the Cheyenne River. I am forty-four years old, as near as I can tell; we count our years from the moon between great events. The event from which I date my birth is the year in which *Two Horns* was born. I am as old as he. I have always been running around. Indians that remain on the same hunting grounds all the time can remember years better.

"How many wives and children have you?"

Sitting Bull, running over his fingers and then with thumb and forefinger of one hand pinching and holding together two fingers of his other hand: "I have had children and two living wives, and one wife that has gone to the Great Spirit. I have two pairs of twins."

Lieutenant Dowdy: "Tell Sitting Bull he is more fortunate than I am. I don't get one wife."

Sitting Bull was greatly amused at this, and laughed aloud.

"Which is your favorite wife?"

"I think as much of one as the other. If I did not I would not keep them. I think if I had a white wife I would think more of her than of the other two."

"What are the names of your wives?"

Sitting Bull, raising the side of his turban and calling a squaw to him, asked her, and then replied: "Was Seen By-The-Nation is the name of the old one. The One That Had Four-Robes is the name of the other."

"Are you a chief by inheritance, and if not, what deeds of bravery gave you the title?"

Sitting Bull: "My father and two uncles were chiefs. My father's name was *Grass Bull*. My uncle that is here is called *Four Horns*, and my other uncle was called *Blue Bull*. His Lodge. My father was a very rich man and owned a great many good ponies, of fine colors. In ponies he took much pride. They were rare, white and gray. He had many numbers and I never wanted for a horse to ride. When I was ten years old I was famous as a hunter. My specialty was buffalo calves. I gave the calves I killed to the warriors. I had no horses. I was considered a good man. My father died twenty-one years ago. Four years after I was ten years old I killed *bulls*, and led his people, and then became one of the fathers of the tribe. At the age of fourteen I killed an enemy and became to make myself great in battle, and became a chief. Before this, from ten to sixteen, I

people had named me the Sacred Standshoty. After killing an enemy they called me Ta-Tan-Ka I-You-Tan-Ka, or Sitting Bull. An Indian may be an inherited chief, but he must make himself a chief by his bravery."

No amount of persuasion could induce Sitting Bull to reveal any thing of his life beyond the age of fourteen.

The party reached Fort Randall and were formally turned over to the commandant, who gave them a suitable camping place where they could have sufficient freedom and yet be under close surveillance.

THE MESSIAH CRAZE—MILES' STORY

To avoid repetition, the reader is referred to the proceedings of the several treaty commissions which precede this sketch, for many of the incidents in Sitting Bull's career after his return to the United States from British America and to his allegiance to the Great Father, a period of ten years, and this chapter will close with a reference to the final brief war between the Sioux and the Government, and the tragic death of Sitting Bull, which occurred in 1890, soon after the Dakotas had entered upon their careers as states of the American Union.

This last uprising of the Sioux nation occurred after several years of tranquillity and peace upon the frontiers, when public sentiment was resting in an assurance that the story of the last of hostilities on the part of the Indians had been written more than a decade past. It came like "a thunderbolt from a clear sky." Gen. Nelson A. Miles had continued in active command of the military district of Dakota, which for prudential reasons had been maintained, but with so little ostentation, or performance of legitimate duty, that the general public had ceased to regard it as a dweller on the frontier. Instead of quoting from the official reports of the lamentable affair, which was called the "Messiah Craze," or the "War with the Messiah," we have had recourse to a narrative prepared for publication by General Miles some years later, which explains the origin of the trouble and its brief duration. General Miles had then been called to the command of the Military Division of the Missouri in which the Department of Dakota was a sub-division, when in 1890, there came reports of a threatened Indian war in which all the tribes of the West were to participate. It was not an outgrowth of any alleged delinquency on the part of the Government to fulfill its treaty obligations, nor was it charged that the whites were in any manner trespassing upon the rights of the Indians, but, as the general states it came from so-called prophets, medicine men, as well as intriguing leaders, who were influencing the Indians in a belief that some Divine interposition was about to rescue them and restore to them the hunting grounds, the buffalo, and the freedom of the old wild life of their ancestors. A numerous body of native speakers were traversing the Indian country, and explaining to the Indians that the second coming of Christ was at hand. That he was coming to redress the wrongs that had been committed upon the Indian by the white race, and counseling them to prepare to join his forces and aid in achieving the triumph which could not fail under such a leader.

The "Messiah," or rather the person (his name was Hopkins) answering to that sacred title, was a person living in the mountains of Nevada, who had assumed the character, and knowing the Indian character, his credulous nature, his predilection for the supernatural, had enlisted quite a body of leaders under his banner, informing them that he had the authority and power to restore his people to their former condition and possessions, but he would require the active aid and participation of all the Indian tribes to accomplish his mission. He sent chosen representatives to the tribes in Dakota and elsewhere, informing them of his coming, and notifying them of his abode near Walker Lake, Nevada. Upon all Indians to whom this secret was disclosed, the utmost secrecy was enjoined, and this admonition had been faithfully observed. Miles relates



SITTING BULL.

The greatest war chief the Indians ever had.
Killed in 1890.

that "the year before there was any open manifestation of war, three Indians left the large tribes located in Southern Dakota, presumably from south of White River, on a secret mission to the west. Their names were Kicking Bear, Short Bull, and Porcupine. They could neither read nor speak the English language, but they journeyed three hundred miles to the Crow camp in the northwest, thence west to the Shoshones and Utes, and thence to the tribes in Utah and Nevada, and they finally reached the camp of the Messiah, who received them cordially but with severe formality. He proclaimed to them that the prophecy made nearly two thousand years before had been fulfilled, that their own land was to be transformed into the Happy Hunting Ground, and that all the departed Indians were to be restored to life. He told them that he was about to remove eastward, when there would be driven before him ~~100~~ herds of horses, or ponies, and an immense number of buffalo, and deer, and as he moved east the dead of their race would arise and join him. He taught his visitors mystic ceremonies and methods of religious worship that were new to them. The trio of emissaries were enjoined to secrecy but they were to go on and announce to the various tribes what had been confided to them. They returned, visiting the tribes, and safely reached their starting point, but their movements had been so carefully guarded that it was several months after their return that it became known to the agent that they had been absent. The hostile elements—those who could never become reconciled to the new industrial life—welcomed the information brought by the visiting committee, with joyful manifestations. The information aroused the old-time belligerent nature of Sitting Bull and stirred to life his smouldering ambition to free his country from the presence of the white race. He declared that they would not wait for the coming of the Messiah but organize and go forth to meet him. He sent out runners to every tribe in the northwest that he knew of, and also to Canadian tribes, appealing to them to rise and leave their reservations, assemble near the base of the Rocky Mountains, and march west until they should meet with the Messiah, and escort him on his crusade of deliverance.

No plan of hostility could have been better devised to kindle anew the natural animosity of the Indians toward the whites. They believed in it, and anticipated the fruits of the great triumph they were to achieve. Miles declare that it was a threatened uprising of colossal proportions, and only the prompt action of the military authorities prevented it from being attempted with much more sanguinary results following than those which attended the repression of the revolt.

That General Miles had come to regard Sitting Bull as the most formidable and dangerous of all the Indian foes his troops would be called upon to meet is shown in his anxious and determined efforts to place him under arrest at Standing Rock to prevent his joining with the hostile forces in the Bad Land.

General Miles said:

I considered it of the first importance to secure the removal of Sitting Bull and his removal from that part of the country (Standing Rock Agency). My intention in that direction proved a failure, owing to adverse influences that seemed to dominate my purpose. I sent a second positive order, directed to the commanding officer at the nearest military station, to secure the person of Sitting Bull without delay. This order was sent to the commanding officer at Fort Yates, North Dakota, who immediately sent out a few trusted Indian scouts, under the command of Major F. C. Baker, an experienced and courageous officer, who executed the order promptly. A few hours later, while the country was pregnant with misfortunes, for Sitting Bull, with some two hundred warriors, was preparing to leave that morning and join the great hostile camp which was assembled in the Bad Lands of South Dakota. Major F. C. Baker, on the morning of the 17th, moved his camp at night some three miles to the west, toward Sitting Bull's camp, and sent his friendly Indian scouts to inform him of the situation. These friendly scouts proceeded to Sitting Bull's camp and informed him of the situation and must go with them. He refused to do so, and they had to leave him. He took a few steps when he uttered the war-cry, which was the signal for the hostile forces to move. Then occurred a short, desperate combat in which Sitting Bull was slain, with a number of his followers, as well as five of the friendly scouts who accompanied him.

and his troops reached the sanguinary battlefield by this time and soon dispersed the hostiles.

No further particulars were given by the general, but he adds the following estimate of Sitting Bull as a man and leader. He said:

It was strange that this last encounter of this greatest of Indian chieftains was a tragedy in which he fell by the hands of men of his own race. He was the strongest type of a hostile Indian that this country has produced. His reputation had been made by courage, energy, and intense hostility to the white race in his early days. He had gradually risen to leadership until he became the great organizer and controlling spirit of the hostile element. None of the other Indians possessed the power of drawing and molding the hearts of his people to one purpose, and his fall appeared to be the death-knell of the Indian supremacy in that western country.

While this incident created much excitement in the north and at the agency at Standing Rock on Grand River, the Sioux were gathering for war in large force in the vicinity of Pine Ridge Agency and in the Bad Lands on the headwaters of White River, 200 miles away. The Indians had left their agencies, abandoned their little homes and cultivated fields, in many cases destroying their property, and had removed to the great camp of the Messiah in the Bad Lands. Here the ghost dance was being celebrated—the prelude of war, and the doctrine of the Nevada imposter loudly advocated. Everything that would arouse the Indians, awaken their animosity toward the whites, which had lain dormant for years, was being done, and it needed but the presence and bold counsel of a Sitting Bull to start them on the war path. All tribes of the Sioux west of the river were largely represented.

The hostile attitude of the Indians called for prompt action on the part of the military forces in the country. General Miles explains:

Fortunately a branch of the Northwestern Railroad could be utilized in the disposition of the troops. The large Indian camp was located near the center of the angle formed by the main line and the branch of this railroad. By distributing troops at available points on the two lines, we were enabled partly to envelop the Indians, and at the same time to place a barrier to the west of them, by which their contemplated movement in that direction could be prevented. As soon as a sufficient force was assembled, the troops were gradually moved toward the Indians' position, pressing them back toward their agency. In the meantime the Indians under Big Foot, a noted chief, left their village on the Cheyenne River, at the junction of Deep Creek, with the intention of uniting with the hostile camp. A strong force of cavalry was sent to intercept them, and so far succeeded as to cause them to halt. A parley occurred, but the commanding officer, instead of insisting on their disarmament and return to their agency, took a promise that they would do so, and returned to camp. Whereupon the Indians, as soon as night came on, continued their journey toward the Bad Lands. Another force was ordered to intercept them, which was done before they reached the main camp of the hostiles, and a demand was made for their surrender. This they agreed to do, and encamped near the troops that night. The next morning a formal demand was made for their arms, whereupon the Indian warriors came out into the open field and laid their arms on the ground. While they were being searched, and a party that had been sent into camp was searching for arms, a controversy occurred, and the Indians thought they were going to be killed. The fanatical leaders commenced the "ghost dance," one of their ceremonies being to take up dust and throw it over the warriors under the belief that it would render them invulnerable to the bullets of the enemy. This continued only a short time, when the Indians made a rush for their camps, the troops, unfortunately, being so placed that some of them were in the line of fire of their comrades. Many of the shots directed at the warriors were thrown straight into the camp of the Indian women and children, and a general melee and massacre occurred, in which a large number of men, women and children were killed and wounded. In fact, the commanding officer reported that the camp or village had been destroyed. The Indians fled in all directions, pursued by the troops, and the bodies of the dead and wounded were found on the prairies, some of them at long distances from the place of the disturbance. I have never felt that the action was justified, and believe it could have been avoided. It was a sad fatality that Indian disaffection and war should finally end in a deplorable tragedy.

The following day a band of about sixty young warriors, mostly boys, set fire to a building at the mission, six miles from Pine Ridge. The colonel of the Seventh Cavalry, with eight troops and a detachment of artillery, went to drive them away. The Indians

fell back toward their main camp, followed by the troops. Without taking proper precautions the colonel moved his command down a ravine, and was soon in a pocket, with the Indians occupying the hills and bluffs on three sides. The colonel sent back urgent requests for assistance, and for troops to rescue his command. The last messenger, Lieut. Guy Preston, a gallant officer, dashed up the valley under fire and returned with the relief. Fortunately Lieut.-Col. Guy V. Henry, a very able officer, was within reach. Although his battalion of four troops of the Ninth Cavalry (colored) had marched 100 miles in the last twenty-four hours, he moved rapidly to the rescue. The four troops were deployed to the right and to the left and drove the scattered Indians from the hills and bluffs, and rescued the Seventh Cavalry from what might have been another massacre.

These two affairs occurred but a short distance from the great hostile camp, causing great excitement, and for a time it was feared that nothing could prevent a general outbreak and a devastating war. But the strong cordon of troops continued their slow pressure, moving more and more closely to the main Indian camp, so as to surround it by force, and at the same time every measure was taken to draw them back to a peaceful condition by sending messages to the principal chiefs. Fortunately I had met most of the leaders on former occasions. Many of them had surrendered to me before, in the campaigns of the Northwest, and I was enabled to appeal to their sense of reason and better judgment and to convince them of the impossibility of the theories upon which they were acting. I also assured them, in case they should surrender to peaceful conditions, of other compliance with the terms of their treaty, that a representation of their needy condition should be made at Washington, and that I would be their friend. This argument, although it required many days and great effort, finally prevailed, and I succeeded in drawing that large camp back to their agencies, where they agreed to abandon their hostile designs and follow my direction. This was one of the most gratifying events of my life, as it undoubtedly saved many valuable lives and the country from a devastating war. It was effected without the Indians breaking out into the settlements and without the loss of a single life outside of those engaged in the military service and the Indians above mentioned.

The bringing about of this desirable result consumed many anxious months, occasioned by the necessary delay in getting the troops into position, and moving them judiciously to where their presence would have the best effect. At the same time long delays were made before the Indians would accept the terms of the Government. The delays, no doubt, thereto, not being understood by those distant from the scene of action, excited adverse criticism and unfavorable comments charging inefficiency. I received many insulting communications, denouncing what the writers supposed to be procrastination or timidity on the part of the military, and from others anxious to have hostilities precipitated in order that the vultures might prey upon the spoils of war.

These last active operations occurred during the severity of winter. The ground was covered with sleet at times and frequently with deep snows, but the troops were well equipped for a winter campaign, and very little suffering occurred among them.

When the Indians were moved back to their agencies they were advised to give a guarantee of their good faith that such threatening hostilities or acts of war would not occur again in the near future, and as an earnest of this they were told that they should send a body of representative men to the East as hostages, and as a pledge that in the future they would keep the peace. This they consented to do, and a party of some thirty of the principal warriors was gathered together and sent to the nearest railway station, and thence by rail to the headquarters of the division at Chicago. This body included two of the Messiah's missionaries, Kicking Bear and Short Bull. I placed Capt. James M. Lee in charge of their agency, and he, by his rigid integrity and able administration, soon won the confidence and gratitude of the Indians.

A small delegation, composed of representative men of the Ojibwa and Breckin, was also selected and sent to Washington with a few Indian officers, to represent the condition of their people, the non-fulfillment of treaty stipulations, and the want of provisions and their suffering in consequence. This body included such prominent chiefs as American Horse, Red Cloud, and Broad Trail.

After peace was fully restored the troops were reviewed, prepared to their homes, sent back to their former military stations. This review was one of the most interesting in my experience, as it occurred in mid-winter and during a snow storm. The vast prairie, with its rolling undulations, was covered with the white mantle of winter. That scene was probably the closing one that was to bury in that snow storm and frost that once powerful, defiant and resolute race. It was doomed to disappear, leaving behind it no memory of its former life and power. And as the warm breezes of spring would awaken the land of winter, a new life, verdure and beauty would come. Then villages would be seen, civilization, happy homes, prosperous communities, and agriculture. The scene of the merry bells of industrial activity and the noise of progress would be seen, the plow of the war cry and the echoes of alarm and rebellion.

The Indians here had a rare opportunity to witness the terrible power which they had fortunately avoided, as well as the advisability of remaining at peace with the Government. At its close the troops moved to their former stations, and were not again in contact with the Indians.

In 1876, after a series of conflicts between the troops and Indians which beset the railway construction and cost a number of lives, the hostilities culminated in the massacre of Custer and his men on the Little Big Horn, which practically ended Indian hostilities in the Dakota country, though the Black Hills troubles, of a local nature, disturbed that section for a year or more.

But there was no further organized hostility to the Government or the whites, until the Messiah craze of 1890. Then the hostile council fires were rekindled and flamed for a brief month, entailing great loss to the Indians and requiring the sacrifice of life by the troops. With the extinguishment of that remarkable and insane rebellion, the hostile spirit of the Sioux appears to have been effectually and permanently subdued, and Dakota had witnessed the last of its hostile Indian troubles.

No achievement of great merit in the history of our Government will surpass in importance its successful efforts in civilizing the Sioux Indian. Whether the long delay which preceded the adoption and execution of the Peace Policy and led to this happy result, will be set down to the country's discredit, or will be shown to have been practically unavoidable; it ought not to detract from the merit of final success. The adoption of the beneficent plan was in the line of duty to a barbarous race confronted with possible extermination. It was prompted by humane motives of the most exalted character; and it moreover added to rather than detracted from the burdens of the white people. It is a part of the white man's mission and duty to lift up those races that have not the native force and intelligence to lift themselves. Left alone in his savage situation, with no pursuits but the war and the chase, constantly warring among themselves, exposed to decimating disease, extermination must have followed. Christian civilization has saved the race; and the Territory of Dakota supplied the field as well as the race where this glorious work has been accomplished. Many of the tribes are now represented by a generation of peaceable, industrious and enlightened Indians to whom the war path is a tradition. The Indians of the Northwest will never again resort to hostilities as a means of obtaining redress for wrongs and injuries. He can now patronize the courts, plead his own cause, preach his own sermons, build his own modern houses and live within them, plant his own fields and harvest his crops. The wise policy of the Government during the past forty years has wrought a marvelous change in the Sioux Indian.

THE SISSETON INDIANS

As late almost as 1847 the Sisseton and Wahpeton Indians were running free and wild in Minnesota and found a favorite resort at St. Anthony Falls where they were accustomed to fish and to hunt.

They were not unfriendly toward the whites and the new white settlers or invaders rather, who were then finding their way to the wilds of the west from the civilized centers of the east, found a friendly greeting from them and their intercourse continued indefinitely to be of an amicable and in many respects a profitable nature. Alexander Ramsey was among the earliest of these pioneers, —an honest, wise, discreet and humane man, who by his exemplary conduct, and judicious course, gained the confidence of these Indians, which clung to him with increasing strength through his long and useful life and the history of the north star state discloses how valuable a factor was the ascendancy gained by Ramsey over these tribes, in promoting the cession of Indian lands to the Government, in maintaining peaceable relations with the Indians, and in the early settlement of the territory by an excellent class of eastern people who were wise enough to profit by Colonel Ramsey's example. He was the William Penn of Minnesota.

In 1851, through Alexander Ramsey and Luke Lea, a treaty was made with these tribes, the Sissetons and Wahpetons, by which they transferred to

the Government the largest and all things considered the best portion of Minnesota, amounting to over thirty million acres, and extending from St. Anthony Falls to the Big Sioux River including the eastern shore of the Big Sioux Valley from the Iowa northern boundary to Big Stone Lake and Lake Traverse, including, of course, the ground upon which the principal and most valuable portion of the flourishing metropolis of Sioux Falls has been built. The Sisseton and Wahpetons were friendly tribes, and so remained and still remain. They were not allied with the Santees and had no part in the Little Crow outbreak of 1862. Little Crow's people who joined with him in his atrocities, were known at that time as the "Lower bands," while the Sissetons and Wahpetons were called the "Upper Sioux." Little Crow, however, occupied a reservation lying on the Minnesota River Valley which had been reserved for them by the treaty mentioned or subsequently set apart for them, while the Sisseton and Wahpeton tribes had withdrawn to their present reservation at or contiguous to Lake Traverse and Big Stone Lake. It was the Sissetons and Wahpetons who befriended the white people during the Little Crow raid. They rescued from Little Crow's bands 250 white women and children and captured about three hundred of Little Crow's warriors the same fall, and turned them over to General Sibley at Camp Release.

Settled on their new reservation these friendly tribes had, apparently by their own volition, largely discarded their former barbarous customs, abandoned the chases, given up living in tepees and built log houses, the Government and a wise agent assisting to some extent, but the Indian people, men and women, seemed to lead in the industrial life they were striving to follow, the Government simply seconding their meritorious efforts.

SECOND SISSETON CESSION

About one million acres of land in the northern part of the territory were ceded by the Sisseton, Wahpeton and Cut head tribes of the Sioux in May, 1873; the tract was bounded and described as follows:

Bounded on the south and east by the treaty line of the Lake Traverse Treaty of 1851 and the Red River of the North to the mouth of Goose River; on the north by the Goose River and a line running from its source by the most westerly point of Devils Lake to the Chief's Bluff at the head of James River. On the west by James River to the mouth of Moccasin River; thence to Kampeska Lake, to a point on the boundary of the treaty of 1851, as above mentioned.

In this treaty these tribes cede all their land and extinguish all their claim to land in Dakota Territory, except the tract known as the Sisseton Reservation, which was to be divided into farms for the Indian owners. In payment of the land ceded the Government obligated itself to pay the Indians \$400,000 to be paid in ten installments of \$80,000 each, in live stock, agricultural implements, clothing, provisions, and such other articles as the Indians may require, in the discretion of the secretary of the interior.

The Sisseton and Wahpeton tribes were located on a reservation whose eastern boundary was identical with the eastern boundary of the territory, adjoining Big Stone Lake. The two tribes numbered about two thousand. They were regarded as friendly Indians and nearly all of them were fairly industrious, partially civilized and prosperous.

The Indian commission composed of ex-Governor Edmund S. Seward, L. H. Teller and ex-Judge P. C. Shannon, who had been sent to the Sisseton Agency for the purpose of making a treaty of cession with the Wahpeton and Sisseton Sioux, attended to their mission in May, 1884, but were unable to induce the Indians to sell any portion of their reserve, which was located west of and adjoining Big Stone Lake and Lake Traverse. The Indians were found to be unwilling to part with any portion of their land at that time, and the

that they would be able to secure a much better bargain by holding it, and they were not in want of money or other things of value at the time. The Indians were found living in a state of their own organization. They have a government consisting of governor and State Legislature. Chief Gabriel Renville was their governor, and the Legislature consisted of twenty-eight Indian members. It was divided into two houses, the upper house containing fifteen members, and the lower house thirteen members.

Their seat of government is at Sisseton Agency. The Legislature holds regular sessions, all its business is transacted in the Sioux tongue, and the records are kept in the Sioux vernacular. Bills were introduced and passed, the same as in the law-making bodies of the whites, and were then submitted to the governor for approval or rejection. There were on the records instances where the governor had vetoed bills, which had afterwards been passed over the veto. There had been cases of influence exerted by lobby members, but rarely. The measures passed by the Legislature were subject to the scrutiny of the interior department, under whose sanction the Legislature had been inaugurated and encouraged. The treaty commission was the signal for a called session of the Legislature, which was fully attended, before which the proposition of the commissioners was laid and considered and discussed for some time, resulting in a declaration not to sell their land or any portion of it at that time. The Indians were not drawing any supplies or annuities from the Government, and were supporting themselves principally by agriculture and stock raising in which industries they had become capable of earning their own living expenses, and accumulating a moderate surplus.

In 1887, about thirty-five years after the Treaty of 1851, which was made at Fort Snelling, the traveler journeying through a large portion of the Sisseton reserve would have found little, except the tawny complexion of the people and the frequently awkward pronunciation of the English language, to remind him that he was traveling through a country inhabited by Sioux Indians, and that all the improvements he witnessed were the result of their voluntary industry.

It would seem that these tribes of the Sioux had been cast in a different mold from the other tribes of the nation. They may not have excelled in intelligence but they appeared to be endowed with an enterprise and ambition that is not found in any of the other tribes, though closely followed by the Yanktons and Santees after the Indian wars of 1862-5, who made commendable progress, but failed apparently to achieve as much, and advance as far in civilization, as the Sissetons and their companion tribe. These people, however, had a competent Indian leader, a native of their tribe, Gabriel Renville quite well educated, a Christian, who devoted himself to the work of promoting the moral, intellectual and industrial interests of his people. In 1887 they were in a position to look out for themselves without the protection and parental aid of the Great Father who had not therefore entirely withdrawn his guardianship. The Indians were then living under a republican form of government of their own making, based on the plan of our state governments, with a constitution patterned after the Constitution of the United States. Their treaty with the United States was declared to be the supreme law of their government. The power of their government was distributed between three distinct departments—legislative, executive and judicial. Sisseton Agency was the capital, and there the Legislature met annually in January. This body was made up of two houses, a Council and a House of Representatives. The Council was composed of the old sub-chiefs and head men, but a new Council, composed of one member from each of the ten political precincts into which the reservation had been divided, was elected in November, 1887, for the term of four years, and every four years thereafter. Two representatives from each district were elected for the term of two years, one of which was elected in April of each year, while the councilmen were elected quadrennially in November. Every male person of the tribe over twenty-one years of age had one vote. The executive power is vested in a

principal chief, who is thereby the governor. Gabriel Renville had been chosen to this exalted position with a life tenure, but after his death a principal chief is to be chosen for four years. The duties and powers of the office are the same as usually belong to the executive of a state, with the pardoning power and the authority to veto the acts of the Legislature. He may be impeached the same as the governor of a state.

Chief Renville possessed executive ability of a high order. He did not speak English, but was so well educated in the Sioux language which had been reduced to a written form by Missionary Riggs, that he was able to express himself most clearly and eloquently in his native language. He delivers a written message to the legislative bodies annually recommending such measures as he deems advisable. The judicial power is vested in a Supreme Court and justice of the peace. The court consists of five members who are elected every two years. In April each year each of the ten districts elects one justice of the peace and one constable. The constitution also provides for one assistant principal chief who succeeds to the presidency temporarily in case of the death of the incumbent and this official presides over the Council. The house elects its presiding officer. There is also a general reservation officer called the treasurer, and a secretary, sheriff and attorney. These are all chosen for four years. Offences in which white men are involved are not within the jurisdiction of the Indian court, but are subject to the laws of the United States. It was predicted that within a quarter of a century the members of these tribes would all be enrolled as citizens of the United States. Their children were all taught in English speaking schools, though all would also learn the Indian tongue in their family life. Those of the tribes who had been converted to Christianity, which included a fair proportion, were divided between the Presbyterian and Episcopal denominations, the former having the greater number.

The Sisseton Indian reservation, as is well known, was located in the very midst of not only an excellent farming country that abounded in superior natural attractions, but was surrounded by the white settlements which were growing more populous every passing year. The Sissetons were reliable friends of the whites, many of them well on the road to become thoroughly civilized and practically all in favor of living and working like white people, wearing the garb of the whites, earnest in supporting schools and many of them devoutly religious. But with all this in their favor their large reservation was an obstacle to the proper development of that portion of the territory situated in its central portion measuring north to south, and lying directly on the Minnesota boundary line, hence it was for the interest of the white settlers numbering in 1880 many thousands, in that part of the territory, to secure the opening of the reservation to settlement and to civil government. The Indians did not object to this, but rather favored it, but had hitherto been unwilling to make any treaty of cession owing to an old claim they held against the Government growing out of the Indian troubles in the War of 1862 and later known as the Little Crow war. Efforts had been made to negotiate with them, but without success, and in May, 1889, the community of Watertown took the matter up and sent a committee to Milbank to meet the Indians, and endeavor to arrange satisfactory terms. This committee was headed by Gen. H. R. Pease. They met the Indians in council at the Big Coulee on the 21st of May and adjourned to a beautiful grove. A big feast preceded the proceedings, which were opened with a prayer by Rev. Charles R. Crawford, a half brother of the head chief of the Sissetons, Gabriel Renville. After prayer General Pease stated the object of the council to be to ascertain their views in regard to opening their reservation.

Mr. D. W. Diggs, acting as stenographer to report the proceedings, Chief Gabriel Renville was the first to speak, Rev. Mr. Crawford interpreting. The chief said in substance:

I don't feel that I made friends with the white men before. At the time of the massacre in 1862, our people made friends with the whites and received from them some of the best of their goods.

all heart. We stand between the hostiles. We suffered a great deal. After that the Government took our annuities and we have suffered from it. Many years we had worked hard to get what belonged to us, and when the bill was made out the Government had taken out two years. That was not right. We never thought to keep this reservation for our lifetime. If your customer owes you and asks for more credit, you won't trust him till he pays up what he owes. If the Government pay back annuities, and then asks us to sell our land, the question will be what price you shall pay for it.

In answer to the question, "What do you think the Government ought to pay for the land," Renville replied:

I can't say. When commission and Indians get together, they talk it over.

Being asked what the Indians claimed, Renville formulated it as follows:

First, they want their patents issued, securing to them their land in severalty.

Second, they claim that under the treaty of 1851 there is due them, in annuities cut off in 1862, the amount as adjusted and admitted by the interior department of \$305,987.37, and for the two years left out of the account, the amount of \$36,800, making a total of \$342,787.37.

Third, according to the treaty of 1851 the survey of our land is wrong. The amount of land taken from us by this is about forty-eight thousand.

These are the specific demands the Indians make of the Government. They also claim that there is due them from the Government, as pay for Chief Renville and twelve of the scouts for five months' service performed by direction of General Sibley in 1863 and 1864.

Renville also suggested that he thought that all the Indians who are twenty-one years old when the treaty is made should receive 160 acres of land. "The bill gives this amount to all twenty-one or over at the date of the bill's passage, with eighty acres to those between eighteen and twenty-one, and forty acres to all under eighteen." Renville added, in conclusion, "That when the claim is settled they want the money paid in cash, and not in shoe pegs and overalls."

Michael Renville, a gray-haired man of sixty-five, next spoke, saying:

You have heard about the mistake of the surveying. I will not speak further of that. When you come here and make friends with us, we are pleased. The Indian suffers from mistakes—he don't know how to correct them. Now that South Dakota has come in as a state, we have one to go to to right our wrongs. The Indians have taken their land in severalty. They are waiting for patents. The Indians are anxious to get patents. We are willing the surplus land should be sold. We don't expect to keep the reservation. We want to get the benefit of the sale. If the Government will pay what they owe, we will be pleased with the opening. There will be left over allotments 880,000 acres. If the Government pays what they owe, and pay what they agree per acre, we will be pleased with the opening. When the Government asks me to do anything, I am always willing to do it. I hope you will try to get the Government to do what is right. If the Government will do this it will benefit both the Indians and the whites. (The speaker held up a half dozen keys, all in a perpendicular position, separated, and said) "we all stand this way. (He then pressed the keys against one another) we will be as one key. When the reservation is opened we meet as one body. We be as one."

The committee appointed to work for the opening of the reservation consisting of Gen. H. R. Pease, A. S. Crossfield, and D. W. Diggs went to Washington, accompanied by Chief Gabriel Renville, Governor Mellette, and Renville's interpreter, Rev. Chas. R. Crawford, where they arrived about the 20th of June.

The committee presented the matter to Secretary Noble of the interior department, by whom they were courteously received, and were informed that the commissioner of Indian affairs, Mr. Morgan, had recommended that a commission be appointed to visit the reservation and arrange for sale of the surplus lands, when it was expected the patents for lands taken in severalty would be recorded and ready for delivery to the Indians. The commission would probably be appointed by the 15th of July.

A commission composed of Eliphalet Whittelsey, secretary of the board of Indian commissioners, C. A. Maxwell, chief of the land division in the office of Indian affairs, and D. W. Diggs, of Milbank, S. D., was appointed in November,

1889, to negotiate with the Wahpeton and Sisseton for the sale of their surplus lands. The Whittelsey commission completed their mission and secured a treaty whereby about a million acres of the Sisseton reservation, Roberts County, was to be sold to settlers at \$5 an acre. The Government agreed to pay annuities of \$360,000 at once, with a bonus of \$18,400 per year for twelve years, and ratified a bill for right of way against the Chicago, Milwaukee & St. Paul Railroad Company. Every resident Indian regardless of age or sex, was to have 160 acres allotted.

YANKTON RESERVE OF 1889

The Yankton Indians whose reservation was in Charles Mix County had nearly all selected their lands in severalty in 1889, taking up that portion lying nearest the Missouri River. The remainder of the reservation was to be opened to the occupation of white settlers under rules and regulations prescribed by the general land office. This movement on the part of this tribe was practically voluntary. They had become civilized Indians, lived in houses, and were mainly engaged in agricultural pursuits and stock raising, and could support themselves, but they owned the portion of the reserve not needed for their use, some 200,000 acres, which would yield them a large sum when it was disposed of. Lands were appreciating in price at that time.

MANDANS AND GROS VENTRES

The Northwest Indian Commission concluded a satisfactory agreement with the Gros Ventres, Mandans and Arickaree Indians at Fort Berthold, in January, 1887. These Indians ceded to the United States all that portion of their reservation lying north of the 48th parallel of latitude, and also the larger portion of the territory lying between the Missouri River and the Fort Buford military reservation. The Indians agreed to take lands in severalty on their diminished reserve.

DEVIL'S LAKE INDIAN RESERVATION

About one thousand Sioux Indians in charge of Major McLaughlin had a small reservation of a half million acres on the south bank of Devil's Lake, which the white settlers of Benson, Eddy and Ramsey counties thought should be thrown open to settlement. There was twice as much land as the Indians could use and immigration was flocking in rapidly. The Indian population at the time was of the best of that race, having been for many years under the wise and kindly care of Fort Totten authorities and excellent agents with the best of Christian influences supplied by the Catholic societies, but they lacked enterprise and seemed to have reached the termination of their upward ascent in the scale of civilization. Congress had already been memorialized by the Legislature to provide for extinguishing the Indian title. The Devil's Lake reservation consisted of about three hundred square miles or about a quarter million of acres, and there were 937 Sisseton, Wahpeton and Cut Head Sioux who could be entitled to allotments, which would take half the land. The Indian bureau was not inclined to favor any treaty but preferred that the reservation take its course under the recent severalty act.

CHAPTER LXVI

GRASSHOPPER YEAR—DESTITUTION IN FARMING DISTRICTS

1874

THE REPEAL OF THE EXEMPTION LAW—CONGRESS CURES THE FAULT OF THE LEGISLATURE—POSTOFFICES IN THE TERRITORY—THE DAILY PRESS AND DAKOTIAN—GRASSHOPPERS DEVASTATE THE GRAIN FIELDS IN 1874—LEGISLATURE ENACTS A RELIEF BOND BILL—RELIEF SOCIETIES FORMED—GOVERNOR ISSUES AN APPEAL TO THE PUBLIC—IOWA AND NEBRASKA IN LIKE CONDITION—TRI-STATE RELIEF CONVENTION AT FORT DODGE—GRASSHOPPER LORE—SONS OF TEMPERANCE, GRAND LODGE—DAKOTA'S CENTENNIAL COMMISSION—TERRITORIAL AGRICULTURAL FAIR—DESTRUCTIVE FIRE AT VERMILLION—MINNEAPOLIS VISITORS.

EXEMPTIONS—CONGRESS APPEALED TO

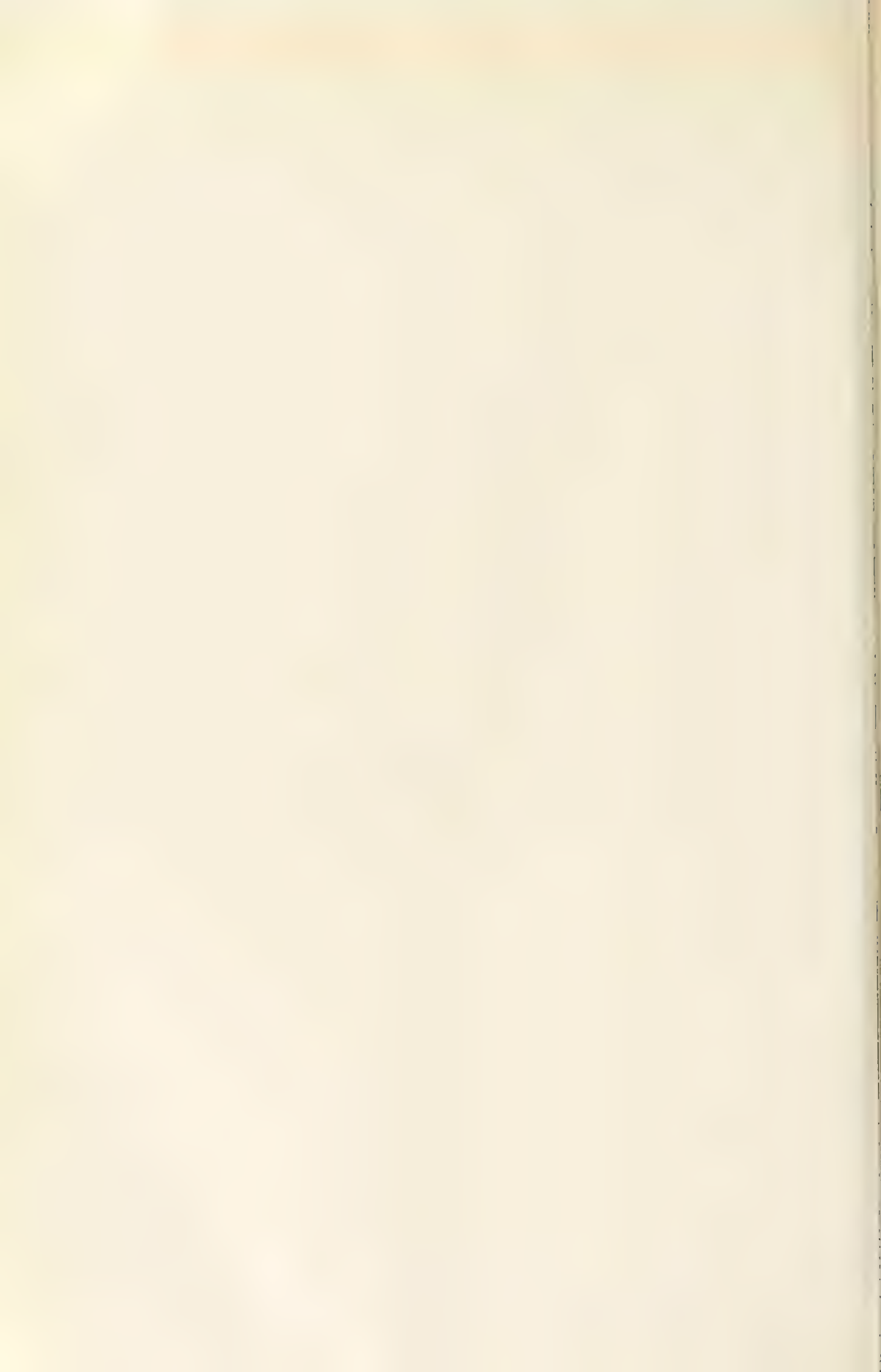
At the first session of the Dakota Legislature, convened in March, 1862, a law was enacted entitled "An act exempting property from execution, writ of attachment, or any other final process of a court," and also three other enactments of like character, governing and enumerating exemptions. These laws defined what should constitute a homestead, enumerated the real and personal property that should be exempt, and was considered a very liberal law in favor of a debtor. Its purpose, as avowed at the time it was enacted, was to protect the citizens of Dakota, who were as a rule people of very moderate fortunes, from their outside creditors until such time as by industry and frugal living they could discharge their obligations without impairing their business or means of gaining a livelihood. The estimated money value of the personal property exempt under the law was \$1,500. A supplemental act passed at the same time declared that all property of whatever value or amount acquired by any party during his or her residence in the territory should be exempt from levy, seizure or sale by virtue of any execution, writ of attachment, or any other final process of a court, founded upon any debt, demand or liability, contracted or incurred without the limits of the territory.

The purpose of the enactments was to give the poor and worthy time to accumulate sufficient worldly wealth to enable them to discharge their old obligations without taking their "coats off their backs," or depriving them of the means of transacting whatever business they were engaged in here in the territory. It was anticipated that the law would be largely modified as soon as conditions favorable to citizens of the territory would justify it. It was further urged in justification of the measure that it would encourage the coming to Dakota of thousands of worthy unfortunate people in the states, who had met with reverses which they were unable to repair in their old home and who would seek an asylum from the rapacity of remorseless creditors in a territory where their accumulations would be protected from seizure for their old debts until such time as they were able to cancel all such obligations, and leave them in a situation to conduct their business affairs to advantage. Whether it served to attract any considerable number of people to the territory is doubtful, but it is certain that it did not deter anyone from coming that wanted to come. The law,



GOVERNOR JOHN I. PENNINGTON

Fifth governor of Dakota. Served from
January 1875 to May 1878. Appointed
from Alabama.



however, was, in time objected to by many in the territory, as an injury to the credit of our home merchants and business men generally and the legal fraternity was largely inimical to it; indicating that in the judgment of many people the time had arrived when the law could be materially modified without injury to the worthy people of the territory, and at the same time remove from the statute book all ground for reasonable complaint against the homestead and exemption system of the territory. There had been attempts made to change it at former sessions, but these modifications were not material. At the session of 1874-75, the Legislature enacted a law, introduced as a bill by a member of the Council, which was innocently entitled "An act making the conveyance of homesteads not valid until the wife joins in said conveyance." This bill defined the homestead, and provided for its conveyance according to the terms of the bill, but a section was added—section 20—which provided that "chapter 37 of the laws of 1862, and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed." This section 20 repealed the highly prized exemption laws, but it had not been observed by any of the members, nor by the governor when he approved it on the 14th of January, 1875. The Legislature adjourned, sine die, the following day.

Early in February, as Hon. S. L. Spink, a prominent Yankton lawyer, was looking over the list of new laws enacted, he discovered that the old exemption law had been repealed, and when he had made his discovery public, the local newspapers shortly announced that "a wave of passionate excitement was spreading outward to the remotest corners of the territory, carrying to each toiling homesteader the dire intelligence that the law no longer protects the fruits of his labor from the rapacity of merciless creditors."

A public meeting was held at Yankton following the exposure, which was attended by nearly every able-bodied citizen of the place; a number of speeches were made all representing that the repeal of the exemption law was a calamity much more serious than the grasshopper plague, which, the season previous, had partially destroyed the crops and entailed such destitution upon the people that the territorial authorities had been compelled to issue a public appeal for relief. One speaker, General Beadle, stated that he had recently attended the Fort Union seed convention, which had been held to provide means for furnishing small grain seed to the farmers of the Northwest who had been rendered destitute by the grasshopper raids of the previous season. He had "also labored to secure the charity of the people in behalf of Dakota's poor, and now to return and find that such a demon of destruction as this had been turned loose upon the people, was a fit subject for tears."

Another speaker, Mr. Spink, stated that in the protection of personal property from seizure, all the western states and territories had adopted the homestead policy, the amount of exemption to individuals ranging from \$500 to \$1,000. In Dakota \$1,500 worth of personal property had been put beyond the reach of creditors, previous to the enactment of the last Legislature which had repealed the law. A few had deemed it too liberal, but no previous Legislature had been willing to submit to a reduction. We were all inviting people within our borders where they could be protected from the results of previous misfortunes from the rapacity of unscrupulous creditors. A large proportion of our farming community had gone largely into debt for machinery and their crops had been cut off, which placed them in just the situation where foreign creditors could now strip them of all their possessions. With this new law enforced there were 1,000 men in Dakota who could not live here. It took him but three or four days to strip the last cookstove—all he had to carry on his life—for goods.

Another prominent lawyer, Bartlett Tripp, who spoke, gave it as his opinion that the law exempting personal property had been fully repealed, though he had not had an opportunity to examine the authorities on the subject. He said that no more devilish scheme could have been devised to take from the poor people of

orphan its last dollar of money and last crumb of bread." He was of the opinion that the Congress of the United States would annul this act of the Legislature.

Another speaker, Doctor Burleigh, stated that "to get up some morning and find that several of Dakota's counties had been suddenly swallowed up by an earthquake would have been but of passing consequence to him when compared to the surprise and indignation which the discovery of this act of the Legislature had occasioned." He had not the least doubt but that "it affected virtually the repeal of all our exemption law, for when a law was repealed its amendments went with it—that was a settled principle."

Hon. George H. Hand, the secretary of the territory, stated that in his opinion the law exempting personal property was fully repealed, and placed Dakota in a position unlike that of any other state or territory, and "the only way out of it was to appeal to Congress to help us out." He further stated that the bill had been brought to the governor for his signature during the closing hours of the session when he was overwhelmed with business. It was not possible for him to examine it in detail. Its title recommended it. The governor had already started for Washington where he would endeavor to induce Congress to nullify this law. Mr. Hand further stated that he was "not prepared to say whether the bill was passed through carelessness or with premeditated intent. The words 'thirty-seven' and 'May 12th' in the repealing section were in his opinion in Moody's handwriting in blanks left when the original section was drawn. The original bill was introduced in the Council by Mr. Sheafe, of Union County, and contained only about a dozen lines, all in accordance with the title. It was made over in the House and entirely changed." It was discovered that there were but two votes against the bill on its final passage in the House, and these were cast by Ole Sampson and Mr. Anderson, of Yankton County.

A committee consisting of General Beadle, W. S. Bowen and J. R. Hanson had been appointed to draft resolutions or rather a statement of the case for presentation to Congress, with the view of inducing that body to nullify the repealing act of the Legislature. The committee reported the following preamble and resolutions:

Whereas, The Legislative Assembly of the Territory of Dakota, at its last session, passed an act to provide that the conveyance of homesteads should not be valid without the wife's signature; and,

Whereas, This act appeared by its title and general purpose to be one which all good citizens might endorse and approve; but when examined it proves to be technical, changing methods by which homesteads may be claimed and placing difficulties in the way which are unusual and unnecessary; that there appears to have been added to the bill sections written by another hand, perhaps after the preceding sections had been acted upon, and not by regular amendment but in an illegal and extraordinary manner; and,

Whereas, One of these added sections, the last of the law, was so written with blank spaces left for references for laws to be repealed, and were in turn filled by another hand, so that it repealed chapter 37 of the Laws of 1862, and cleared from our laws all amendments thereto by any subsequent assembly, and it thus, insidiously, by numbered references, and without any notice in the substance thereof or title, but with the deceptive appearance and false pretense that it was in furtherance of the main body of the law, swept from our statutes every law or provision of law protecting the personal property of our citizens from sale under execution or any final process of a court, thereby leaving our people in this time of calamity and general suffering without any protection from creditors for even the smallest part of the necessities of life; and the utter destitution thus produced in personal property and consequent forced abandonment of the homestead, would leave that also subject to the officers of the law; Therefore,

Resolved, That we hold the knowing and responsible authors of this act as guilty of a gross violation of legislative duty, and a dishonorable betrayal of the public trusts confided to them; of fraud upon the legislative body and the dearest rights and present necessities of our people; of a heartless disregard of the trials of our needy settlers under the privations of the grasshopper visitation; and there is no escape from an acknowledgment of their guilt but by a plea of ignorance, carelessness, or gross incompetency for the duties before them.

Resolved, That since this outrage was not discovered until after the adjournment of the Legislature, and since its effects are most disheartening to our citizens and destructive of the most vital interests of the territory, already crushed by unusual and unprecedented

difficulties; and since there is no other alternative, we must earnestly pray Congress to relieve us by abrogating and annulling section 20 of said act or our country will find that this may be done at its present session.

Resolved, That these resolutions be published and transmitted to our delegate in Congress and he be requested to use every proper effort toward securing the early repeal of the law in question.

Signed by W. H. H. Beadle, chairman; J. R. Hanson, W. S. Bowen, Yankton County; U. S. Weston, Union County; S. R. Dix, Hanson County; S. E. Andrew, Rapid City; J. M. Blanding, Richland County; Fred J. Cross, Minnehaha County; Lemuel C. Jones, Deuel County; R. R. Briggs, Clay County.

MOODY'S REPLY

Col. G. C. Moody, one of the members of the House from Yankton County, and reputed author of the act repealing the exemption law of 1862, was the target for much unfriendly criticism throughout the territory. In answer to the charges, he claimed that the exemption law of the territory had not been repealed, though none of his brother lawyers agreed with him. Moody enjoyed the reputation among both the members of the bar and the people of being one of the ablest lawyers in the territory, and he was usually found connected as counsel with all important cases; but his statement regarding the effect of the homestead law with its clause repealing the law of 1862 was not credited. Finally, Mr. Moody, in self-defense, gave out a public statement concerning the bill and its effect, in which he explained his view of its effect as a repealing measure; and asserted that all the indignation expressed against himself was the result of wrong information regarding the matter. In his statement the accused legislator says, in part, in explanation:

It is claimed by those who favor the view that the law of 1862 is repealed, that the repeal of the statute of 1862 necessarily repealed the statute of 1866, because in terms the statute of 1866 purported to be an amendment of so much of the statute of 1862 as related to personal exemptions. This proposition I most emphatically deny to be correct. The repeal of a statute does not necessarily operate as a repeal of the amendments thereto. Sometimes the repeal of a statute operated, not as a repeal of, but to render inoperative, unless the amendments; for instance, where there is not enough left of the amended law when the law itself is wiped out, to constitute an intelligible provision. I insist, then, on the true construction. Each amendatory act as it is made constitutes an act in itself, complete and independent, and if there is enough of it to constitute a law, it stands as such, whether if it is full and complete in itself, it will stand, notwithstanding the repeal of the original act. A contrary doctrine would lead to absurdities. Legislation upon any subject which has before been legislated upon by that body is simply an amendment of the former legislation, no matter in what form it is put. And these gentlemen would have us take care and never repeal a former law because it would operate as a repeal of all the later laws upon the same subject.

Now, applying this principle to the question under discussion, we find that in 1862 the Legislature enacted an exemption law, the first seven sections of which related to homestead exemptions, and the last two (eighth and ninth), related to exemptions of personal property. This law so far as it relates to homestead exemptions, was complete, permanent and unjust, under which the grossest frauds could be perpetrated upon the state, and the most serious wrongs upon the family of the homestead farmer. In 1866 the Legislature passed another act amending the sections relating to personal exemptions, changing their provisions, using the not infrequent form, "Be it enacted by the Legislature, that we, the people of the Territory, do hereby amend the act of the Legislature of 1862, in relation to exemptions of personal property, and making a perfect and complete law on that subject, which in effect repealed in part of the law of 1862 as related to such exemptions, as it substituted another law in its place containing the provisions of the law of 1866 and some amendments thereto, and in the last session enacted a more liberal, more definite and more just homestead law, and then in terms in the same act, repealed the whole of the law of 1862. Now I insist the repeal of 1866 being complete in itself, being a later and complete law, superseding the act of 1862, was not repealed by repealing the law of 1862, but stands on full force and effect, and is the law governing exemptions of personal property in the territory unless it can be claimed otherwise is absurd. The form of the amendment is in the Constitution of New York says in capital cases, with a reference to the Constitution of New York, that the amendments do not relate back to and become a part of the original law, and the same rule will apply to fall with the repeal of the original act, and in the same sense in New York cases. The form of enactment is very important, and when framed into law, it is possible to frame laws so far as I have been able to find in our constitution, but the intention is to make them

the repeal of the original act repealed, by implication, and by operation of law, the amendatory act; but it is left for the wisdom of this territory blessing this city by its presence, to make this new discovery.

CONGRESS TO THE RESCUE

In the meantime a messenger, the governor has hastened to Washington and laid the matter before Delegate Kidder, who forthwith entered upon the task of procuring from Congress an enactment that would save the territory from the dire calamities that might result from a loss of its personal exemption law, if it had been lost, and in due course and within two days before the session of Congress came to an end, the following was enacted:

An Act to declare the true intent and meaning of the 20th section of an act passed January 14th, 1875, by the Legislature of the Territory of Dakota, entitled "An Act making the Conveyance of Homesteads not valid unless the wife joins in the conveyance." Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

That the 20th section of the act named in the title shall not be construed as an absolute repeal of chapter 37 of the laws of Dakota, approved May 12th, 1862, but only as repealing so much of said chapter 37 as is inconsistent with the first named act, and no other effect shall be given to said 20th section. Approved, March 2, 1875.

And thus the controversy over the repeal of Dakota's exemption law was quieted. The question as to whether the law of 1866 was or was not repealed by the law of 1875, does not seem to have been satisfactorily answered by the enactments of Congress, as that body on the eve of adjournment doubtless felt Dakota was having troubles enough with its grasshopper plagues without being disturbed by doubts as to its personal exemptions; and the foregoing declarative act of Congress was sufficient to settle the question as far as the exemption law of the territory was concerned, whether it was enacted in 1862 or 1866. That the claimed offense of Representative Moody was not considered a serious one, is shown by the action of the Dakota bar three years later, which gave its unanimous endorsement to Mr. Moody's application for appointment of United States judge in the Black Hills district, and the appointment quickly followed.

A LIST OF POSTOFFICES IN 1874

A list of the names of the postoffices established in Dakota Territory up to the close of the year A. D. 1874 will indicate quite clearly the progress of white settlement of Dakota up to that time. Such list is given herewith:

Armstrong County—Milltown. Ashmore County, now Dewey—Cheyenne Agency. Bon Homme County—Bon Homme, Choteau Creek, Clarno, Edwinton, Hawlyek, Marshton, Mineral Springs, Scotland, Springfield, Tabor, Wanari. Brookings County—Medary, Lake Village. Buffalo County—Crow Creek. Burbank County—Worthington. Burleigh County—Bismarck. Cass County—Fargo, Elm River, Haggart's, Norman, Trysil. Charles Mix County—Platte Creek, White Swan, Greenwood. Clay County—Alsen, Bloomingdale, Bluff Center, Burbank, Glenwood, Greenfield, Lincoln, Lodi, Meekling, Riverside, Saybrook, Vermillion. Cragin County—Dewey. Davison County—Firesteel. Grand Forks County—Frog Point, Goose River, Grand Forks. Hanson County—Rockport, Rosedale. Howard County—Fort Buford. Hutchinson County—Olivet, Maxwell. Lake County—Madison, Wicklow. Lincoln County—Canton, Eden, Fairview, Harrisburg, Maple Grove, Pleasant Home. McCook County—Rochester. Minnehaha County—Dell Rapids, Lake City, Pennington, Pleasant Valley, Republican, St. Olaf, Silver Creek, Sioux Falls, Skunk Lake, Split Rock, Valley Springs. Moody County—Brookfield, Marshall, Flandreau, Sealsville. Morton County—Fort Abraham Lincoln, Fort Rice. Pembina County—Pembina, Walhalla. Ramsey County—Fort Totten. Richland County—Fort Abercrombie,

Wahpeton, Stutsman County—Jamestown, Sully County—Fort Sully, Todd County—Fort Randall, Ponca Agency. Turner County—Centerville, Childs-town, Finlay, Lost Lake, Middletown, Ohio, Spring Valley, Swan Lake, Turner Union County—Elk Point, Gothland, Jefferson, LeRoy, McCook, Richland, Sioux Valley, Spink, Texas, Virginia. Yankton County—Lakeport, Marindahl, Norway, Oakdale, Odessa, Utica, Weston, Yankton, Ziskov, Gayville.

Postoffices also at Sisseton Agency, now Roberts County; Spotted Tail's Agency, Beaver Creek, Neb.; Red Cloud Agency, White Clay Creek, Dakota Territory.

DAKOTA'S FIRST DAILY NEWSPAPER

The Daily Press and Dakotian began its career at Yankton as a morning newspaper on Monday, April 26, 1875, under the ownership and management of W. S. Bowen & Co., the "Co." representing Mr. G. W. Kingsbury. It was the first daily paper to be published in the territory, designed as a permanent enterprise.

Dakota Territory was thinly populated, while Yankton was a town of about three thousand people. As a business proposition, there was not such inducement as would justify the publishing of a daily paper at Yankton with the telegraphic news at a cost of \$150 a month. But there was an early future that seemed to justify the project, in which the community of Yankton as well as the territory was vitally interested. This promising future was based on the early opening of the Black Hills country to white settlement. The United States Government was about to conclude a treaty with the Sioux Indians who held the title to the hills, and General Custer with his famous Seventh Cavalry had made an exploring and investigating visit there the year previous, and found the country rich in natural resources, including gold and pine forests. As the people of Dakota became apprised of this, they very properly assumed that there would be a large immigration to Dakota in consequence, and visions of prosperity on a large scale haunted the minds of our pioneers. Word came from abroad of hundreds of emigrations forming for the purpose of going into the gold region, and as a rule they would come by way of the Missouri River route.

Yankton people and interests had been working to secure the lawful opening of the Hills country for over ten years, having information from the most reliable sources that gold was abundant in the region. Its early opening to settlement promised great benefit to commercial Yankton. It was the nearest railroad point to the Hills, and steamboats were then carrying passengers and freight to all points on the upper river including Fort Pierre where stage lines and freight trains would connect, and make the overland distance of 150 miles to Rapid City in much less time than it could be made by any other route. The entire trip overland from Yankton could also be made through a country abounding in wood, water and grass the entire distance. Yankton had been well advertised as an outfitting point and there was a substantial expectation that there would be a large immigration by the Yankton route.

This was the situation, and the business and growth that would come to Yankton as a result of the immigration to the gold fields was the chief factor in encouraging the establishment of the Daily Press and Dakotian at that time, though considering the number of parties who were then coming to invade the territory, the home support was very liberal and cheerfully given.

Yankton, however, did not secure the advantage and benefits her location and facilities entitled her to, not however, through any lack of intelligence or foresight. The emigrants did not come in overwhelming numbers. The Hills had not been lawfully opened. The army guarded the reservation, and in 1875 arrested and turned back a large number that attempted to invade the Indian domain. Competition sprang up. The Union Pacific Railroad made Laramie, Wyo., an outfitting point, and a first class daily stage line was run on the route from Cheyenne to Custer City, while the intrepid enterprising citizens

was wholly turned in the direction of fostering their route which had the advantage being in great part north of the great Sioux reservation.

The Daily Press and Dakotian, however, managed to maintain itself, but was more a source of expense than profit. In October, 1875, it changed from a morning to an evening paper, making a saving in telegraphic tolls that was a material aid in bringing the receipts and expenditures nearer together. It again revived the morning issue in 1876, but returned to the evening class after a few months trial, and has continued to be an evening paper from that date.

GRASSHOPPER RAID DESTROYS THE CROPS

The Territory of Dakota was visited by myriads of grasshoppers, or more properly red-legged locusts in the summer of 1874, and a large proportion of the growing crops were destroyed. Immigration had been quite active during the two preceding years, and thousands of new homesteads had been taken and new farms opened, by very worthy, industrious people, who as a rule were dependent upon the products of their labor for the support of their families, and had not accumulated a sufficient surplus during their brief residence in the territory to tide them over the coming winter.

Dakota was not alone in this misfortune. The farmers of the neighboring states of Iowa, Nebraska and Minnesota had suffered in an equal or greater proportion, so that during the winter following the distress became so general through the settled portions of the new Northwest as to resemble somewhat a national calamity.

The winter season of 1874-75 was unusually severe, and prolonged, with an unusual amount of stormy cold weather, and considerable snow, which added to the difficulties of the newcomers because of the prevailing scarcity of fuel on the prairies, and found a very large number living in claim houses, without sufficient fuel and dependent largely upon the prairie hay to supply warmth for their households.

This growing destitute condition became known to the older settlers who had laid by a store of fuel and provisions for the winter, and a great deal of relief was afforded by them to their unfortunate neighbors, but as the season advanced it became apparent that the resources of this generous class would be insufficient to carry the burden through the winter, and they were driven to make the situation public, and ask the authorities of the counties to come to the rescue. The response was immediate, and had the affliction been an ordinary one, no doubt the county aid would have proved sufficient to meet the emergency, but as time passed the ranks of those needing help were recruited rapidly, and the conviction was forced upon the officers in charge of county affairs, that they would be unable alone to stem the tide of destitution, which almost daily grew more acute and in a measure appalling.

RELIEF SOCIETIES FORMED

During the earlier season of the appeals for aid, every organized county in the territory had organized some form of relief societies, and had taken some account of the families and people needing help.

The "Dakota Southern Relief Association" had been organized at Elk Point early in the winter of 1874-75 and had been quite active in securing and distributing supplies to the needy in all the counties during the winter. It was in charge of Rev. Geo. W. Freeman, of the Baptist Church. Full reports were made and published giving the receipts and disbursements of this association.

An organization was perfected at Vermillion, January 12, 1875, under the title of the Clay County Aid and Relief Society with M. D. Thompson as president and W. O. Devay, as secretary, with a full corps of vice presidents. "Its purpose was to canvass the whole of Clay County and put forth every effort



WHEELER S. BOWEN

Member of the firm of Bowen & Kingsbury, publishers of the first daily newspaper in the Territory of Dakota at Yankton in April, 1875.

to alleviate the suffering of our unfortunate poor." A committee was appointed and the following appeal authorized to be issued:

Whereas, In the providence of God our people have been visited by these terrible plagues, the grasshoppers, and have lost everything they endeavored to raise, and a consequence are undergoing great want and suffering, and many unless we can soon relieve them, must starve ere they can procure another crop; and we find that our home supply is totally inadequate to relieve one-tenth the demand, so therefore we in the name of humanity, of those who are able to give to help us. We have need of food, clothing, and money to purchase many essential things; and shall need seed grain within a few weeks.

At a meeting in Lodi, same county, held about the same time, the speakers, H. H. Rudd, J. L. Fisher, Hon. James Curtis and Elder D. W. Chamberlain, told the people assembled that from their own knowledge, gleaned from personal investigation, there were many people in the county who must have assistance now or starve. They must have food and clothing to carry them through the winter.

In all the counties sufferers were urged to make themselves known to the relief committees and their immediate wants would be provided for.

The citizens of Turner County formed a relief association, with G. W. Shelley, as president; C. M. Peir, secretary, and J. H. Shurtleff, treasurer. The association issued a stirring appeal, which in part recited that:

Territorial pride and moral heroism, as well as a want of concerted action among the people, has delayed our appeal until the obligations of a common humanity, imposed on this action, for notwithstanding we possess an excellent soil and climate, and our people have not been wanting in their labors, we are now smitten with a calamity which a great destitution prevails throughout the entire county. Many families are now burning hay that they need for their cattle, while quite a number haven't even bread, and nothing but the most urgent effort will save the people. We want partially worn clothing, bedding, boots and shoes of all sizes, stockings and stocking yarn, breadstuffs of all kinds, not forgetting that a little money will go a long way in obtaining fuel, medicines, and a little nourishment for the sick.

Vale P. Thielman was appointed to take charge of supplies.

Minnehaha County organized the "Minnehaha County Aid Society," with Artemas Gale, president; E. A. Sherman, secretary; and J. D. Cameron, treasurer. The association adopted a preamble and resolutions as follows:

Whereas, The ravages of locusts this last summer have caused a great increase in this county which should be met by deeds of charity and mutual aid, for relief, therefore,

Resolved, That we organize a society, the object of which shall be to assist and relieve the suffering throughout our county, and to provide, if possible, some method by which seed grain can be procured by those who are unable from their own means to do so, and seed their land.

A vice president was named for each township in the county with authority to organize town associations.

At Firesteel, Davison County, a meeting of the settlers was held and the Davison County Relief Association was organized. A committee of five, consisting of Luke W. Lowell, L. Hair, R. P. Cady, M. Baker, and H. C. Brown, was appointed to take general charge of measures for relief. It was estimated that twenty families were suffering for food, fuel and clothing, and that seed grain for at least five hundred acres would have to be provided.

A meeting of the citizens of Bon Homme County was held at the court-house in Bon Homme, on January 26, 1875, for the purpose of ascertaining the number of families in said county, who were suffering because of the destruction of their crops in the season of 1874 by grasshoppers. S. T. Swenson was elected chairman, and George T. Rounds, secretary. The following named persons were appointed to canvass the several townships in the county, and to ascertain

the number of persons who are destitute of the necessities of life; and report the same to the chairman of the relief committee which is now organized at Yankton, on or before the 30th of the present month (January.)

The canvassers appointed were Joseph Zitka, for township 94, range 58. Joseph Stephonek, for township 95, range 58. Benton Fraley, for township 93, range 58. George T. Rounds, for township 92, range 58. John Stafford, for township 90, ranges 58, 59, and 60. C. A. Paddock, for township 94, range 59. This committee was instructed to ascertain, as nearly as possible, the amount of grain needed to seed the land of destitute farmers, and report the same to the chairmen of the meeting. The committee was also instructed to receive all donations and distribute them. Hon. Benton Fraley was elected chairman of the committee. By order of the meeting the committee was styled "The Bon Homme Relief Committee."

The settlers in the western part of Bon Homme County assembled and drew up an appeal "for persons who had suffered from the ravages of locusts the past season, and are undergoing great want and suffering, it being mid-winter, and they being destitute of the necessities of life, and our home supply being entirely inadequate to furnish the necessary relief." The appeal was addressed "to the friends of humanity in more favored localities." The appeal was signed by Luman N. Judd, chairman and register of the United States land office, Springfield; James E. Russell, A. M. Young, L. H. Mabie, E. W. Wall, committee.

Hanson County settlers held a mass meeting at Rosedale, and found after careful inquiry that there were thirty families in the county needing aid. This number meant more than 50 per cent of the population, that section being among the most recently settled portions of the territory. This county was relieved through the territorial society and also by the United States army committee.

The Legislature that met the same winter, January, 1875, enacted a law to "provide relief for the grasshopper sufferers" from the scourge of the year previous. The bill was introduced by Representative Harlan, of Clay County.

THE FIRST BOND BILL

The act was entitled:

An Act to provide assistance and seed grain to those settlers in the territory who are needing aid by reason of a failure of crops.

Be it enacted by the Legislative Assembly of the Territory of Dakota:

Section 1. That there be and there is hereby appropriated out of the funds provided in this act, the sum of \$25,000, or such sum as the act shall provide by the issue and negotiation of the bonds hereinafter mentioned, for the assistance and to provide seed grain for those settlers in this territory who are needy by reason of a failure of their crops in the last harvest, resulting from the grasshopper visitation or other calamity.

Sec. 2. To provide such fund there shall be immediately issued the bonds of this territory to the amount of \$25,000, in denominations of \$500, bearing date the first day of January, 1875, with interest payable semi-annually on the first days of January and July in each year, running for ten years, with interest at 8 per cent per annum, and principal and interest payable at the Fourth National Bank in the City of New York.

Sec. 3. Such bonds shall be executed for the territory, and under the seal thereof, by the governor, and shall be attested by the secretary, and shall be negotiated by the commissioners hereinafter appointed, at not less than ninety cents on the dollar, and the proceeds thereof deposited with the said Fourth National Bank of New York City, to be drawn upon the order and under the direction of the said commissioners for the purposes herein provided.

Sec. 4. Gov. John L. Pennington, Judge J. P. Kidder, M. D. Thompson, T. M. Sargent, and J. A. Potter, are hereby appointed commissioners for the purpose of distributing the funds herein provided, and they, or a majority of them, are authorized to purchase with such funds, from time to time, seed grain and other articles of necessity to the destitute settlers herein mentioned, and to distribute the same where most needed, according to the best evidence which shall come to their possession.

Sec. 5. Before making any distribution of such seed grain or other necessary articles, in any case, they shall require a statement under oath, or other satisfactory authentication from the applicant, of the existence of such necessity, and shall have power to make any and all needful rules and regulations to carry out the provisions of this act, and for a faithful distribution of such necessary articles to the really destitute.

Sec. 6. Such commissioners shall, in making their distribution in any county, call to their assistance the county commissioners of such county, and it shall be the duty of the county commissioners to render such assistance as they shall be thereunto required by such commissioners herein appointed, and such commissioners may employ and pay any necessary and proper assistance in and about the discharge of the duties herein imposed.

Sec. 7. Such distribution shall be made in time for the seedling in the spring of 1875, and if there should be any surplus of the funds herein provided remaining after making such distribution, such surplus shall be paid into the treasury of the territory to be used as other funds of the territory are used.

Sec. 8. Provided for the levy and collection of a sinking fund for the interest on the bonds, and after five years an additional fund sufficient to pay said bonds at maturity.

Sec. 9. Authorized the territorial treasurer to pay the interest falling due on the bonds out of any moneys in the treasury in case there was not sufficient of the bond funds to pay said interest payments promptly.

Sec. 10. Provided for the making of itemized reports by the commissioners, to be filed with the treasurer of the territory and by that officer submitted to the succeeding Legislature.

Sec. 11. Authorized the governor to appoint other commissioners in case any of those appointed in this act, failed to act.

Sec. 12. This act shall take effect and be in force from and after its passage and approval: Provided however, that the persons receiving aid under the provisions of this act, when they are of age, competent to contract, shall execute and deliver to the said commissioners their promissory note for the amount of the aid they may receive respectively, payable to the Territory of Dakota, dated January 1, 1875, and payable five years after date at the treasurer's office of said territory, which note shall be turned over to the said territorial treasurer with the report herein provided for, and shall be held and collected thereon by such treasurer, and if not paid at maturity it shall be the duty of the district attorney of the proper counties to collect the same and pay the money into the treasury, and whatever moneys shall be received upon said notes shall be used exclusively for the redemption of the bonds herein provided. And provided further, that there shall be exempt from the process issued upon a judgment or in an action upon said notes, no more than three hundred dollars in value of real property, and \$200 in value of personal property. And provided further, that no more than \$50 in value of such necessaries and grain shall be distributed to any one family.

Governor Pennington vetoed the bill, in very emphatic and caustic terms, as will be seen by a perusal of his veto message, which follows:

Executive Office, Yankton, D. T., January 10, 1875.

To the Council of the Legislative Assembly of the Territory of Dakota.

Gentlemen: I return herewith, without my approval, Council Bill No. 10, entitled "An act to provide assistance and seed grain to those settlers in the territory, who are suffering aid by reason of the failure of crops. It would be but a poor compliment to the members of the Legislative Assembly to suppose that they were in earnest in the passage of this bill or that they even suspected that the bonds provided for therein would be immediately put upon the market."

In the first place I do not think there is any warrant or law or precedent for the issue of territorial bonds; and in the second place, if the right to issue them was recognized, the recent attempt of the Legislative Assembly of Dakota to issue territorial bonds would prevent the possibility of their being negotiated at even ten per centum of the dollar.

(The governor had reference here to the bill passed by the same assembly, making it unlawful for the authorities of Yankton County to levy and pay for the purpose of paying the interest on its railroad bonds, issued in 1872, and which the governor had already vetoed.)

I am satisfied there is some destitution in the territory, but not such a general destitution as the panic-stricken members of the Legislative Assembly would induce the people to believe. Very few cases of destitution on account of the destruction of crops by frost have been made known to this office, and while satisfied that some destitution does exist in some parts of the territory, I believe that it could all be relieved by the issue of bonds, if it were, and I did hope the Legislative Assembly would have been so sensible as to do so. I have, however, some doubts as to whether it will be so. The bonds will be sold at a discount, and you offer them at a premium. You propose to issue territorial bonds, but you do not have the authority of law, in the sum of \$25,000, to issue bonds, and you do not have the authority with a proviso that they shall not be sold for less than 100 cents in the dollar, but for the face of the fact that there are not enough bonds in the territory to be sold at such a figure. No southern territory could do this, and the bonds would command 60 cents in the dollar. We have never heard of a bond being sold at such a price, and good name of a territory, being put in the market.

Even were the bonds you propose to issue sold at 100 cents in the dollar, it would be of no use.

signed up, and put upon the market and sold within less than sixty days, which would be too late to relieve such of your fellow citizens as are now suffering for food, and who must be provided with seed grain by the 1st of March, or lose the chance of making a crop the present year. And besides, in your eagerness to put a 90 per cent territorial bond afloat, you forget to make any appropriation for the preparation or printing of the same, nor did you name any one whose duty it would be to have it done.

Confirmed in my own convictions, that the issue of such bonds would be of doubtful authority, I telegraphed to the secretary of the interior as to our right to issue, and as to his opinion of the policy of doing so even if we have the right, and received the following reply, dated Washington, January 12th:

"My judgment is against the expediency of issuing territorial bonds."

C. DELANO, Secretary of Interior.

If in the opinion of the members of the Legislative Assembly, any considerable amount of destitution exists, and they earnestly desire to relieve it, I most respectfully submit that in my humble judgment it might be done:

First. By a direct appropriation from the territorial treasury of a few thousand dollars;

Second. By an act authorizing the county commissioners of the various counties to issue warrants to relieve the destitution in their own county, and assess and collect a direct tax to pay the same;

Third. By a direct appeal to Congress for an appropriation to relieve the destitute;

Fourth. By an appeal to the general public with a true statement of our condition as near as it can be ascertained, a plan which has been so successful in Kansas, Nebraska, and elsewhere, whose citizens have suffered from loss of crops.

I am exceedingly anxious that such of the people of the territory as are destitute, and by no fault of their own, should be speedily relieved, and I am and have been anxious to cooperate with the Legislative Assembly in some feasible plan for that purpose; but assured as I am that nothing can possibly be accomplished by issuance of bonds, as proposed in this bill, I am constrained to withhold from it my signature.

Should the Legislative Assembly adjourn without some definite action whereby relief may be reasonably expected, I shall not hesitate to appeal to the sympathies of a charitable public to prevent starvation on account of the lack of food, and to enable the unfortunate to seed their land the present year.

JOHN L. PENNINGTON, Governor.

The bill was taken up upon its return by the governor to the Legislature, and passed through both houses by a vote of more than two-thirds, the required number, and became a law; but no attempt was made to carry it into effect, because of the limit fixed on the price of the bonds, which was said to be fatal to their negotiation. These were the first bonds authorized by the Legislature of Dakota, and as the territory was rapidly growing and practically out of debt, a market could have been found for them because of the object to which their proceeds would have been devoted. The Legislature adjourned without further action.

After the adjournment of the Legislature the governor became convinced that the situation, among the rural settlers particularly, was one that called for immediate and energetic measures of relief, and the Legislature having neglected to enlarge the powers of the county boards or authorize a direct appropriation from the territorial treasury, he was forced, much against his inclinations, to issue an official appeal to the public. The governor had been among the few that believed the situation was not so serious as represented, and had been accustomed to speak of the reports as founded somewhat on a mistaken apprehension, and that it would be taken care of by the people without advertising the adversity of the people to the outside world and possibly frighten away many who had prepared to remove to the territory. He appeared to realize that he had erred in his estimate of the misfortune, and after the Legislature adjourned issued the following statement, entitled:

AN APPEAL TO THE GENERAL PUBLIC

Executive Office, Yankton, D. T., January 22, 1875.

The fact cannot be disguised that there is considerable destitution in various parts of the territory, caused mainly, we have reason to believe, by the destruction of crops by

grasshoppers last season. There is destitution reported and we have appeals for aid from Brookings, Lincoln, Turner, Union, Clay, and Bon Homme counties; and there are no doubtless will be instances of destitution and suffering in other sections of the Territory before the winter is over.

We are assured that there are families in all the above named counties, out on the prairie, that need help in food and clothing immediately; and that there are many who must have help to procure seed and tools, and will not be able to recover from the present year's crop.

Most of the people who settle in a desert are very poor when they arrive, and the loss of one crop falls very heavily on them. In many instances, they are unable to procure seed to sustain life. The result is that many are forced to leave the Territory, and others are determined to continue the struggle, and to plant again, with the hope that a better crop this year, provided aid can be secured to sustain life and procure seed.

Much has already been done by local aid effort, to aid the destitute, and our people did hope to weather the storm and not be compelled to call on the general government for help; but they find they cannot do it. Not having the benefit of a long experience in the Territory, but a dependency of the general government, a newly settled and generally poor population, with no great accumulations of wealth, we have not the means for carrying out the aid of older communities possess. We have no money in the territorial treasury, and are unable to raise any for an emergency.

The Legislative Assembly has advanced without making any provision for aid to the destitute, if we except the passage of a bill for the sum of ten thousand dollars for the purpose of \$25,000 for that purpose, with a promise that they would not be paid for more than ten cents on the dollar; and intelligent business men being almost unanimous in their opinion that it would be impossible to negotiate them at that price, the commissioners named in the bill have determined not to issue them at all.

Under these circumstances and for these reasons, we earnestly appeal to the sympathy of a charitable public for aid for such of the settlers of Dakota as are in want. Donations of food and clothing, and of grain for stock purposes, and of money to purchase such articles, will be acceptable, and will be promptly and faithfully distributed to the destitute and needy.

After consultation with a number of leading citizens from different portions of the Territory, the following well known gentlemen have been selected to constitute the Territorial Relief Committee, with headquarters at Yankton, to which all donations may be sent:

Yankton County—Ex Gov. N. Edmund; Minn. T. J. Devan; Clay County—M. D. Thompson; W. O. Devay; Union County—Rev. G. W. Brown; Minnehaha County—F. J. Cross; Lincoln County—G. W. Harlan; Turner County—Rev. J. J. McIntire; Cass County—Alex. McIntire; Bon Homme County—J. W. Barker; Herbert County—Hon. E. A. Williams.

JOHN L. PENDER, Secy. of Territory.

Attest: Geo. H. Hamond, Secretary.

We, the undersigned, citizens of Dakota Territory, recognizing the necessity for aid, cheerfully endorse the above appeal:

J. P. Kidder, Associate Justice; A. H. Barnes, Associate Justice; Wm. Woodcock, Attorney; J. H. Burdick, U. S. Marshal; J. A. Potter, Mayor of Yankton; M. Hoyt, Rector of Christ Church; L. D. Parmer; C. E. Sanborn, Cashier First National Bank.

The territorial committee named by the governor received liberal donations and distributed them judiciously and impartially, keeping an itemized record of their receipts and disbursements, which was published after the labors of the committee were concluded.

FORT DODGE PEACE CONVENTION.

In the interest of the farmers of Dakota Territory, who had been deprived of their crops in the season of 1877, and who were in a destitute and suffering condition, a convention of representatives from this territory and the lower States was held at Fort Dodge, Iowa, on the 24th day of August, 1877, for the purpose of "relieving the distressed condition." The convention was summoned by the Iowa Farmers Relief Committee. The representatives from Dakota were: Gen. A. H. H. Devay, of Yankton County; M. D. Thompson and W. O. Devay, Clay County; Rev. G. W. Brown, Union County; and Rev. J. J. McIntire, Turner County. Gen. D. Parker, of the State of Iowa, was one of the delegates from Iowa.

General Beadle, speaking for Dakota Territory, told the convention that the people there had at first met to relieve their distress, but that they had found that there was no further contribution to the necessities of relief, and that the people were left to their responsibility in caring for the poor settlers. The convention was then adjourned, and the delegates from Dakota were: Gen. A. H. H. Devay, of Yankton County; M. D. Thompson and W. O. Devay, Clay County; Rev. G. W. Brown, Union County; and Rev. J. J. McIntire, Turner County. The delegates from Iowa were: Gen. D. Parker, of the State of Iowa, and one of the delegates from Iowa.

destitution was found to exist later, but which had not been made public at this time. The speaker said that there was a great deal of pressing need already.

Rev. J. J. McIntire, speaking for Turner County, said: "No individual gathered so much as a bushel of potatoes. There was not enough corn gathered in the county to fatten a pig. Oats were cut green, and perhaps five hundred bushels were saved in the county. Of wheat harvested, the average was four bushel to the acre, but they found by taking into account the fields not cut or threshed, the average of the crop sown was reduced to two bushels to the acre."

Committees were appointed to set forth the wants of the various states and Dakota, for seed, as that seemed to be the most pressing need of the farmers, and to supply which the convention was called. The Dakota Committee consisted of the delegates heretofore named from that territory; and later in the session the committee, through Chairman Beadle, reported that from a full, careful and close estimate of the least amounts required to relieve suffering and supply seed to the needy in the territory, they concluded to submit the following recommendations:

"There are 1,500 families who need immediate help of food and clothing, much of it to be continued until late in the spring, and one-half this number will require seed, or the lands must lie idle and further suffering follow. We need 17,000 bushels of seed wheat, 5,000 bushels of oats, 1,000 bushels of seed corn, 500 bushels of beans and 2,000 bushels of barley. And if this is supplied the wheat to be so much reduced. The total cost of this seed will be about twenty thousand dollars." The general added: "Our people are brave and determined, but suffering generally before they ask at all. Our delay was dangerous, and our necessities so pressing that we pray our relief may be swift; and all good people everywhere are asked to remember our cold and hungry who are under a northern sky in a very cold winter, and whose only light of hope is their expectation of this immediate relief help." The committee recommended that Messrs. Beadle, Devay, Freeman, McIntire, Rev. T. H. Judson, of Bon Homme County and Rev. H. D. Brown, be assigned to fields for the solicitation of help, bearing our endorsement, and that their credentials shall show that they act for all Dakota, but that they will forward special donations when requested.

M. D. Thompson, Vermillion, was designated to receive general supplies; and ex-Gov. Newton Edmunds, Yankton, all contributions of money.

The soliciting committee for Dakota was assigned the Territory of Iowa north of the Northwestern Railroad as the field wherein they might work, and Nebraska and Kansas solicitors were given the territory south of that line.

General resolutions were adopted by the convention appealing "to a Christian and prosperous people to in some measure take the sufferings of the unfortunate home to themselves, thereby to be stimulated to continue their earnest and praiseworthy efforts in raising supplies of food, clothing and seed for the unfortunate in the broad extent of the country afflicted."

The Government of the United States joined the relief forces during the winter, and Congress appropriated \$150,000 to purchase food for the grasshopper sufferers on the frontier, to be disbursed through the war department. The frontier included Nebraska, Iowa, Minnesota, Dakota, Wyoming and Montana. The appropriation was for food only, and was to be disbursed by the war department.

Gen. Alfred Terry, who was in command of the Dakota Military District, which included Minnesota, had a census taken of the persons needing aid in Minnesota and Dakota, and found 14,319 to whom rations should be issued. The report did not state the number in Dakota separately, but the list of counties receiving aid shows this approximately. The officers who made the enumeration reported, however, that the destitute situation had been greatly exaggerated, that they had rejected a number of applications after investigation. The Government supplies were given only to those who were in actual need at the time, and the amount given to each person was estimated to furnish food for twenty-five days. This distribution was made during March and April, as follows:

Union County received 21,600 pounds of flour, and 10,800 pounds of bacon. There were 226 families consisting of 1,140 persons enrolled.

Clay County received 17,312 pounds of flour, and 8,656 pounds of bacon, for 173 families of 930 persons.

Yankton County received 11,200 pounds of flour, and 5,600 pounds of bacon for 122 families of 607 persons.

Bon Homme County, 9,037 pounds of flour and 4,518 pounds of bacon, for 94 families of 460 persons.

Turner County, 6,400 pounds of flour and 3,200 pounds of bacon, for 73 families of 331 persons.

Hutchinson County, 387 pounds of flour and 193 pounds of bacon, for 21 persons.

Hason County, 587 pounds of flour and 293½ pounds of bacon, for 29 persons.

Armstrong County, on James River, 275 pounds of flour and 137 pounds of bacon, for 14 persons.

Davison County, 525 pounds of flour and 262 pounds of bacon, for 27 persons.

Dry weather had added to the grasshopper depredations in most sections, and injured the growing vegetation.

Minnehaha County, 1,050 pounds of flour and 524 pounds of bacon, for 54 persons.

Lincoln County, 1,100 pounds of flour and 540 pounds of bacon, for 60 persons.

Brookings County, 1,250 pounds of flour and 540 pounds of bacon, for 75 persons.

Deuel, Richland, Cass, Pembina, Stutsman and Burleigh were counties not reported but were said to have been supplied in measure from the military tents in the vicinity of some of those counties.

The only reference to the northern part of the territory that we find in the proceedings of the territorial relief committee appointed by the governor was a letter from Hon. A. McHench, of Cass County, to Delegate Kidder in Congress, as follows:

Fargo, D. T., April 2, 1877.

Hon. J. P. Kidder: Will you please inform me whether there are any funds appropriated by Congress for Dakota farmers who lost their crops by grasshoppers. We have a few in this county who are in need of seed, and if they can be supplied it would be a great help to them. If we could get, say, from three hundred to five hundred dollars it would be all I think that would be needed.

Yours respectfully,

A. McHench.

Delegate Kidder spread the letter before the territorial relief committee, and Mr. McHench was allowed \$250 by that body.

The work of relief was attended to by the territorial and county committees with diligence and thoroughness. The cities of Northern Iowa, including South City, organized associations and distributed many carloads of goods through the afflicted sections of Dakota, through the medium of the committees. It was not learned that any fatality resulted from destitution or starvation, the aid reaching the needy in time to succor them. The Federal Government aid was most timely, and taken altogether there was that sincere good samaritan spirit manifested on every hand, that when the time of planting came, the general feeling was one of good cheer and thankfulness that so many of the people of Dakota had been rescued from a perilous situation. And in early spring the Black Hills emigration thronged the river settlements and aided materially by its disbursements in giving a buoyant tone to business. The only exception to this general good feeling was among many of the occupants of the Missouri bottom lands between the James and Big Sioux rivers. The ice in the Missouri broke up about the last of March; a number of gorges formed, backing the water up stream and overflowing the lowlands. Traffic on the Dakota Southern Railroad was suspended for a fortnight, owing to the insecure condition of the thoroughly saturated roadbed, which in places gave way under the weight of a locomotive. The Big Sioux wagon bridge was carried away by the flood and a portion of the farmers along the Lower Sioux, Vermillion and James experienced considerable damage from high water, delaying their farming operations, which added to the prevailing destitution, might have had serious results but for the indomitable fortitude and grit of the people, who refused to become discouraged.

The committee in charge of the territorial relief bureau discharged their duties with scrupulous fidelity, and gave out frequent reports of the donations received and how disposed of. Considerable seed grain was procured by this organization to enable the destitute farmers to seed their grain in the spring. Among the principal donors were the Margaretta Relief Society, Cashuta, Erie County, Ohio, which sent \$78.05 cash, and Venice in the same county, forty-three barrels of seed grain, besides barrels of dried fruit, sacked wheat, beans, etc. The Chicago Board of Trade contributed, cash \$1,470.50. The Detroit Chamber of Commerce, \$1,020; and the Detroit Relief Committee, \$250. The total cash contributions were \$4,321.57; the total cash disbursements, \$4,102.20. The committee stated that \$4,000 of the cash was due to the efforts of General Booth. The general visited Chicago and Detroit and many saints sent, delivering addresses, explaining the conditions here.

In certain localities the young grasshoppers, hatched from the eggs that had been deposited in Dakota soil during the winter of the year 1876, were

some damage in the early season of 1875, but when their wings were grown they departed. Inasmuch as the territory had suffered from a previous visitation of this scourge in 1864, and it may occur at some future period, it is well that Dakotans should obtain whatever information they are offered regarding the insect, though there has been no general depredation from this cause in the territory since 1874.

Doctor Harris, the entomologist, and author of "Insects Injurious to Vegetation," in 1874 gave out a minute and interesting description of the insect, and also something of its history. Professor Harris called the Dakota insect the red legged locust, a more destructive pest than the grasshopper. He says:

The red legged insect was first discovered by DeGeer from specimens sent to him from Pennsylvania, and Doctor Harris claims to have retained the scientific name that DeGeer gave to it. It is the *Gryllus (locusts) erythrossus* of GrueLin, and the *Arcrydium fermur-rubrum* of Oliver. It appears to be very generally diffused throughout the United States.

The following description was taken down in the prairies west of the Souris, in Northern Dakota, "where the insect surrounded us in countless millions, and the air from 9 o'clock until 4 o'clock was filled as with flakes of snow." Dimensions of the male insect,—length of body, 1 inch; with wings closed, $1\frac{1}{2}$ inches; length of wing cases, 13 lines, of wings $12\frac{1}{2}$ lines. Color of head, bluish green; of thorax, bluish green, with two lateral black lines parallel to the sides of the thorax and a half line apart. These marks on the female are distinct. Abdomen—Color of segments, pale bluish green with whitish blue margin; upper portion of end of segment, dark brown; especially the superior segment; wing cases, ash-colored, with brown spots. Legs—Upper section of posterior legs, brownish white, with two dark brown spots; outside of the leg, red; inside tibia, rose colored, and fringed with two rows of spines. Forelegs, yellowish brown.

The female differs from the male in the color of the cheeks, thorax, and upper portion of the abdomen, these parts being of a brighter green. Legs deeper rose-color; underside of abdomen, yellowish white. Length of the insect, thirteen lines.

The first authentic account of the appearance of extraordinary swarms of locusts in Rupert's Land, according to Professor Harris, assigns the last week of July, 1815, to this event. Every green herb in the settlements of the Red River of the North was stated to have been destroyed by these destructive insects. In 1819 the young brood hatched from the eggs deposited the preceding year appeared in the spring and consumed the growing wheat crops. Early in 1819 the pestilence disappeared, but in what manner is not stated, but it is probable that as soon as their wings were grown they migrated East.

In 1857 the locusts appeared in myriads over a large part of North America. They destroyed nearly all the vegetables cultivated at Fort Randall, the new military post then recently built on the upper Missouri in longitude $98^{\circ} 29'$, latitude $43^{\circ} 4'$, and extended their ravages well into the State of Iowa. During the same year they devoured the crops in parts of Minnesota, and advanced so far to the northeast as the Lake of the Woods, where they were seen on Gaden Island in August. During the autumn of the same year they appeared on the White Horse Plains, north of the Assinaboine, where they deposited their eggs. The swarms of this insect must have extended as far west as the south branch of the Saskatchewan, and covered the country in a greater or less degree between the Lake of the Woods and the south branch above mentioned, a distance in an air line of 560 miles; the perfect insect of 1857, or the young brood in 1858, having been observed nearly continuously over that wide extent of country. The ascertained limits of this mighty army of insects in 1857 extended from the 24th to the 112th meridian, and from the 41st to 53d parallel of latitude, from the settlements in Utah Territory to near the Valley of the North Saskatchewan, and from the Lake of the Woods to the foot of the Rocky Mountains.

During the month of September, 1857, I saw the female engaged in laying her eggs. They did not limit themselves to the prairie soil in forming a nest, but riddled the decayed trunks of trees, the thatch of houses and barns, the wood of which they were built; everything, indeed, which they could penetrate with the little blades provided for that purpose. The appearance presented by bare patches of soil, such as the road near the settlements, suggested the idea that a vast number of worms had risen to the surface and then retired again after loosely closing the aperture they had made. When in the act of preparing a nest for her eggs, the female was observed to introduce her abdomen into the soil by repeated thrusts to its full length, and then slowly withdrawing it, eject her eggs, to the number of ten or twelve, in the form of a half cylinder, loosely covering the orifice after the operation was completed.

In the spring of 1858 the young brood were seen at Prairie Portage, hopping over the newly fallen snow, at the latter end of April. It was thought by the settlers that the cold weather, which followed the warm days in the early part of the month when the eggs hatched would have destroyed the young brood, but it did not appear to have created any sensible diminution in their numbers. The extraordinary vitality of the eggs of insects is well known, but when we reflect that the eggs of the red legged locusts are exposed in

Rupert's Land to a temperature lower than that of which insects are capable of enduring, 40° below zero, as well as constant alteration of temperatures from the freezing point to below zero in the early spring months, their capacity to resist these influences cannot fail to be regarded as one of the most wonderful features in the life of this insect.

The females have not a long projecting pioneer, like the crickets and grasshoppers, but the extremity of the body is provided with four short wedge-like pieces, placed in pairs, above and below, and opening and shutting opposite each other, thus forming an instrument like a pair of nippers, only with four short blades instead of two.

When one of these insects is about to lay her eggs, she drives these little wedges into the earth; these being opened and withdrawn, enlarge the orifice, upon which the insect again drives them down deeper than before, and repeats the operation until she has formed a perforation large and deep enough to admit nearly the whole of her abdomen.

IN AID OF IMMIGRATION

Dakotans, beginning with the earliest white settlers, were wide-awake to the importance of immigration, and duly impressed with the necessity of laboring discreetly to secure it. The early pioneers of the Territory of Dakota found themselves surrounded on all sides save the west, by communities clamorous for immigration, and with more or less effective organizations for securing it. Millions of acres of public and vacant lands invited immigrants to Minnesota, Iowa, and Nebraska; and even the British provinces on the north soon joined in an earnest and intelligent crusade for a greater population; so that whatever immigration reached Dakota was compelled to resist the attractions of other fertile sections nearer the markets of the world, and doubtless as valuable for cultivation as those Dakota had to offer. The growth of the territory in early days was, therefore, less than moderate. There were years, particularly during the Indian wars and grasshopper scourges, when it was estimated that the territory lost, instead of gaining, population, and during these years the people were so handicapped by poverty, that they could afford to give no aid to immigration work. The feeble efforts made were as a rule backed financially by a few fortunate ones among the federal officials or business men who had business relations of a profitable character with the Government. The New York colony of 1864 was secured through the efforts of Governor Edmunds, Surveyor General Hill, and Dr. W. A. Burleigh, at that time United States agent of the Yankton Indians. The early legislatures were uniformly averse to creating any debt against the territory for any purpose, not because of any parsimonious disposition, but influenced altogether by the straightened circumstances of their constituents, they avoided taxation. Our immigration interests continued in this condition until 1870, there having been a turn in the financial condition of the people during the years 1868 and 1869, which increased the amount of taxable property, and furnished a small surplus to the credit of the territory. Prior to this, by limiting appropriations to the payment of the salaries of the territorial officers—the auditor, treasurer, and superintendent of public instruction and the purchase of necessary supplies for these officials, the territory had managed to keep out of debt. There had been considerable immigration to the territory in 1868 and 1869 which continued through 1870, so that when the first bi-ennial session of the Legislature convened in December, 1870, there was manifest an optimistic sentiment among the members, and the discussion of railroad facilities and immigration were prominent among the topics talked about, and the prevailing opinion seemed to favor an organized effort to secure a proportion of the annual emigration that sought the west on their way from the older European States and from foreign countries. This sentiment found expression in a law providing for a commissioner of immigration, and appointing James S. Foster, who had led the New York colony to Dakota in 1864, and who had since been engaged in immigration work in connection with a real estate and loan business, to the office of commissioner. An appropriation of \$500.00 was given to the commissioner to be used at his discretion during the succeeding two years. His work during the following two years was reasonably successful.

limited means at his disposal, and in 1872 he was elected to the same position, and another appropriation of \$500.00 was made by the Legislature of 1873, for the succeeding two years. Mr. Foster's first official report was submitted to the Legislature of 1875, as follows:

Office of Commissioner of Immigration,

Yankton, D. T., December 10, 1874.

To the Honorable Legislative Assembly of the Territory of Dakota:

Gentlemen: The two years last past have been years of prosperity to this territory. A flood of immigration has been constantly pouring into the territory from the states and settling in every portion of our fair domain, adding fully 10,000 to our population. Grati-fying as this result is, we have still greater reason for congratulation in the fact that the German Russians, now coming to this country, have, after thorough investigation of the sections, decided to locate in Dakota. About five thousand of this emigration has already arrived and settled mostly in Yankton County, Bon Homme, Turner and Hutchinson counties. From this source alone we may reasonably expect 5,000 immigrants per annum. Considerable immigration has also arrived in Dakota from Norway and other European countries during the last year.

The limited appropriation for immigration purposes would not allow the commissioner to employ salaried agents in New York City, or to proceed to the Old World to induce immigration to our section. Still, several agents have been employed in England, Norway and Sweden, without pay, other than a nominal sum for postage and printing. General passage tickets to and from the old country have been furnished such agents.

The people of this territory have also contributed liberally for printing and expense money of agents sent to New York and other places to induce immigration to Dakota. Their efforts have generally proved successful. I respectfully recommend that the bureau of immigration be recognized by the providing for a board of immigration, to be composed of several members residing in different sections of the territory, each member representing a district composed of several counties contiguous to each other. This method would allow all parts of the territory to be heard, and probably several different nationalities would be represented. Such a board would be more efficient than a single commissioner, because it would call forth the united support of all the people, because all could be represented.

I also recommend an annual appropriation of such a sum of money for the expenses of the bureau of immigration as the Legislature in its wisdom may see fit to allow, confidently believing that any sum, well expended, would yield ample remuneration to the territory.

Respectfully submitted,

JAMES S. FOSTER,

Commissioner of Immigration.

Agreeable to the recommendation of the commissioner, a law providing for a territorial board of immigration was passed by the Legislature of 1875, which provided for the election, at each bi-ennial election in the territory, of two commissioners of immigration, one to be known as superintendent; and it was also provided that the Legislative Assembly in joint convention, should elect three other commissioners of immigration, one from each judicial district, who together should constitute a body politic under the name of the territorial board of immigration.

The law provided that the board should meet once in six months on the first Mondays of February and August, at such places as the board might designate; the superintendent to be chairman. An office should be kept by the superintendent at such place as the board might select. The law prescribed the duties of the superintendent and members of the board in a general way, and pointed out the character of the work expected of them. An agent of the board was to be appointed in each organized county, who was to report to the board. An appropriation of \$3,000 a year for each of the years 1875 and 1876 was incorporated in the law. The superintendent was given an annual salary of \$800 exclusive of the appropriation, and the other members were to have such compensation for their time and expenses as the board should determine.

Hon. Fred J. Cross, of Minnehaha County, was appointed by the law, superintendent; and Hon. Jacob Brauch, of Yankton County, commissioner; to hold said offices until the first Monday in February, 1877, and until their successors were elected and qualified.

In accordance with this law, which was approved January 5, 1875, the

appointed and elected members of the board met at Yankton, and organized on the 5th of February, 1875. Those present were Superintendent Cross, chairman; Commissioner Brauch; J. M. Wahl, of Lincoln County; Vale P. Thielman, of Turner County, and S. G. Roberts, of Cass County. J. M. Wahl was elected auditor of the board, and Vale P. Thielman, secretary.

The following named persons were appointed county agents:

First Judicial District—A. O. Ringsrud, Elk Point; R. U. Rasmussen, Clay County; W. S. Smith, Lincoln County; Charles McDonald, Minnehaha County; M. D. L. Pettigrew, Moody County; C. W. Wright, Madison, Deuel County; C. H. Stearns, Medary, Brookings County; E. H. Wilson, McCook County; H. H. Herrick, Gary, Deuel County.

Second Judicial District—Rev. J. J. McIntire, Finlay, Turner County; Ex-Gov. Newton Edmunds, Yankton County; A. Ziemert, Bon Homme County; A. Sheridan Jones, Olivet, Hutchinson County; J. D. Flick, Rockport, Armstrong County; Joseph Ellis, Wheeler, Charles Mix County.

Third Judicial District—J. J. Jackman, Bismarck; Hector Bruce, Grand Forks; A. Sargent, Goose River, Traill County; W. R. Goodfellow, Pembank; D. Wilmot Smith, Breckenridge, Minn., for Richland County; Merrick Moore, Jamestown, Stutsman County; Col. D. D. Marsh, Washington, Barnes County; J. A. Hanson, Fargo.

A seal for the board was adopted, with the words, "Bureau of Immigration, Dakota Territory," inscribed thereon.

Yankton was selected as the location of the office of the board, provided the city would furnish free of rent an office for the superintendent with fuel, stove and shelving. In case Yankton would not comply with these requirements, the office was to be located at Canton, which had already proposed to furnish the equipment.

Appropriations were then made for printing immigration pamphlets, as follows: Two hundred dollars for pamphlets in the English language; \$500 in the German language; and \$200 in the Norwegian language. Mr. Brauch was appointed to assist in preparing the German pamphlet; and Mr. Wahl to assist in the preparation of the Norwegian; the work to be done without delay. Commissioner Brauch was selected to visit the Atlantic seaboard to induce emigration to Dakota, and \$800 was appropriated for his use. Two hundred dollars was set apart for Commissioner Wahl who was also to visit the Atlantic seaports; and \$200 was diverted to defray the expenses of Commissioner Roberts in an eastern trip for immigration purposes. The remainder of the session was occupied in making rules for reports; ordering various items of stationery; allowing bills for expenditures already made, and on the third day the board finally adjourned to meet at Yankton at its next annual meeting in 1876.

This board entered upon its duties at an auspicious time. North Dakota was already attracting many people; the opening of the Black Hills was a topic that had gratuitous advertising in the public journals throughout the country; and foreigners, particularly the German Russians, were landing on our Atlantic shore, thousands in number every week. At the same time the foreign immigration increased in large ratio, the efforts of Dakota's neighboring states to secure immigrants strongly reinforced, and all were represented by experienced men at our principal emigrant ports and in European countries.

This board, however, was able to give a good account of its stewardship, and did very effective work, directly and indirectly bringing into the territory many thousands of settlers. Yet it does not appear that the board met with popular expectation, and some unfortunate disagreements among its members impaired the harmony of the organization. Superintendent Cross was elected superintendent to succeed himself in 1876, and James Holes, of Cass County, was chosen to succeed Mr. Brauch. But the Legislature that met the following winter (1877) repealed the entire law, and left the board of immigration stranded. The justice

office was finally closed March 8, 1877. No further legislation regarding immigration was had at that session.

SONS OF TEMPERANCE

A grand division of the sons of temperance was organized at Yankton on the 10th of December, 1874, by Deputy Most Worthy Patriarch James R. Cary, of Iowa. The following delegates were present and vouched for:

Vermillion Division, No. 1—H. J. Owens, H. J. Austin, Wm. L. H. Owens. Springfield Division, No. 2.—R. T. Wood, Geo. W. Sterling. Bon Homme Division, No. 3.—David Devoil. Elk Point Division, No. 4—Alexander Hughes, Rev. J. P. Coffmann. Yankton Division, No. 5—H. H. Smith. Lodi Division, No. 6.—E. B. Crew. Sioux Falls Division, No. 7.—E. A. Sherman. Canton Division, No. 8—Geo. P. Keeler.

The election of officers of the grand division resulted in favor of the following named: Alexander Hughes—grand worthy patriarch. Geo. W. Sterling, grand worthy assistant. Wm. L. H. Owens, grand scribe. H. H. Smith—grand treasurer. Rev. J. P. Coffmann, grand chaplain. Geo. P. Keeler, grand conductor. E. B. Crew, grand sentinel.

There was much business transacted pertaining to the important work of the association. The grand deputy, Mr. Cary, who had traveled extensively in the territory, made an address, showing the progress the temperance forces were making in the nation; claiming that Dakota was a very promising temperance field.

TO CARE FOR THE BLIND

In April, 1875, the Territory of Dakota closed a contract with the authorities of Minnesota, under which the latter state undertook the care and education of Dakota's blind people. The Blind Asylum of Minnesota was at St. Peter, and the rates charged were \$5 a week for board and tuition. Patients who were able to pay their own expenses were required to do so, and those not so fortunate had their expenses defrayed from the territorial treasury.

MASONIC GRAND LODGE

Representatives from the various Masonic lodges of Dakota met at Elk Point on the 24th of June, 1875, for the purpose of organizing the Grand Lodge of Dakota Territory. There were but five subordinate lodges in the territory at that date, to-wit, viz:

St. John's Lodge No. 166; Yankton, the oldest lodge; Incense Lodge, No. 257, Vermillion; Elk Point Lodge, No. 288, Elk Point; Silver Star Lodge, No. 345, Canton; Minnehaha Lodge, No. 328, Sioux Falls; and the lodge at Springfield was chartered about that time but not early enough to permit of its participating in the organization of the grand body.

The delegates effected a preliminary organization, and adopted a constitution and general regulations; and elected the following officers:

Most worshipful grand master, Thomas H. Brown, Minnehaha Lodge; deputy grand master, Franklin J. Dewitt, Yankton, St. John's Lodge; grand senior warden, C. G. Shaw, Incense Lodge, Vermillion; grand junior warden, H. H. Blair, Elk Point; grand treasurer, George H. Hand, St. John's, Yankton; grand secretary, Mark W. Bailey, Silver Star Lodge, Canton.

The grand master elect then appointed the following subordinate officers:

Grand chaplain, J. C. Damon, Vermillion; grand senior deacon, W. H. Miller, Jr., Canton; grand junior deacon, O. P. or Elk Point or Sioux Falls; grand Tyler, D. W. Hasson, Elk Point; grand marshal, L. Congleton, Yankton; grand sword bearer, S. H. Stafford, Canton; grand senior steward, Thomas Robinson,

Vermillion; grand junior steward, C. F. Mallahan, Elk Point; grand pursuivant, P. W. McManus, Elk Point.

A number of the appointive officers being absent, it was decided to postpone the installation to a later day; and a committee was appointed to select a place and name the date when the installation should take place. This committee reported upon Vermillion as the place and the 21st of July as the date for the ceremony. Accordingly the grand lodge assembled at the Baptist Church at Vermillion on the date named where the most worshipful past grand master of the Grand Lodge of Iowa, Bro. T. S. Parvin, then secretary of the Grand Lodge of Iowa, in ample form, constituted the Grand Lodge of Dakota Territory, and installed the foregoing brethren of the order into their respective offices.

The names of the lodges remained the same, but their numbers were changed: St. John's being No. 1; Incense, No. 2; Elk Point, No. 3; Silver Star, No. 4; Minnehaha, No. 5.

The following are the names of the first officers of the august body:

Grand master, Thomas H. Brown, Sioux Falls; deputy grand master, F. J. Dewitt, Yankton; grand senior warden, Calvin G. Shaw, Vermillion; grand junior warden, H. H. Blair, Elk Point; grand treasurer, George H. Hand, Yankton; grand secretary, Mark W. Bailey, Canton; grand chaplain, J. C. Damon, Vermillion; grand senior deacon, Wm. H. Miller, Sr., Canton; grand junior deacon, O. P. Weston, Sioux Falls; grand tyler, D. W. Hasson, Elk Point; grand marshal, Leonidas Congleton, Yankton; grand senior steward, Thomas Robinson, Vermillion; grand junior steward, J. A. Wallace, Elk Point; grand sword bearer, C. F. Mallahan, Elk Point; grand pursuivant, P. W. McManus, Elk Point.

ODD FELLOWS GRAND LODGE

The Odd Fellows of Dakota Territory met in delegate convention at Yankton, on Thursday, the 19th of August, 1875, and organized the Grand Lodge of Dakota Territory.

Those present were Rev. J. H. Magoffin and M. P. Ohlman, Yankton; A. Siebrecht, Fort Randall; R. R. Briggs, Vermillion; J. A. Wallace, Elk Point; J. P. Knight, Fargo.

The organization was effected by the election of E. W. Miller, Elk Point, grand master; Norman Leonard, Yankton, deputy grand master; A. Siebrecht, Fort Randall, grand senior warden; J. P. Knight, Fargo, grand junior warden; R. R. Briggs, Vermillion, grand secretary; Fred Schnauber, Yankton, grand treasurer. William Blatt, Yankton, grand representative to the grand lodge of the United States.

The installation ceremonies were held at Yankton on the 13th of October following, under the direction of the grand representative, William Blatt, when the following delegates were present:

Dakota Lodge, No. 1, Yankton, Fred Schnauber, Zina Richey, N. Leonard. Echo Lodge, No. 2, Fort Randall and Springfield, F. St. Clair, L. D. F. Poore, A. Siebrecht, H. A. James. Vermillion Lodge, No. 3, J. F. Curtis, J. P. Kidder, R. R. Briggs. Elk Point Lodge, No. 4, J. F. Hughes, W. J. Conly, E. W. Miller. Humboldt Lodge No. 5, Yankton, H. Pfothhauer, M. P. Ohlman, William Blatt. Northern Light Lodge, No. 6, Fargo, J. P. Knight, James H. Magoffin, Charles Eiseman.

After installation, Grand Master Miller made the following appointments: Chaplain, Rev. James Magoffin; marshal, J. P. Knight; grand sword bearer; herald, F. St. Clair; guardian, M. P. Ohlman; who were then installed.

Committees were appointed and the territory divided into five districts numbered from one to five. The affair closed with a banquet and address.

DAKOTA'S FAIR AND EDUCATIONAL INSTITUTION

The grasshopper raid of 1874 was presumed to have injured Dakota abroad somewhat and tended to discourage immigration; and to meet this

ful tendency of that fortuitous event, a territorial fair was proposed to be held in 1875 that would largely counteract the damage inflicted upon Dakota's reputation by the migrating insects. It would be said of Dakota in the home and foreign sections that were sending settlers to the West—"a people who can hold territorial fairs could not be plagued by grasshoppers," and at the same time the patriotic spirit of the people would find a most commendable expression and ample vent in the transfer of the fair exhibit to the Dakota department in the Grand Centennial Exposition.

Congress enacted a law in 1872 authorizing the President to appoint a centennial commission to take charge of the celebration of the centennial of the 100th anniversary of the signing and promulgation of this country's Declaration of Independence, to be held in Philadelphia in 1876. The bill provided that the commission should consist of two members from each state and territory, which commission was to organize and conduct the exhibition. The President appointed S. L. Spink and George Alexander Batchelder, commissioners for Dakota Territory. The exhibition was to open April 19th and close October 19, 1876.

Congress decided to make no appropriation of national funds for the event, but instead incorporated a centennial board of finance auxiliary to the commission, and provided for the issue of stock to the amount of \$10,000,000 in 1,000,000 shares of \$10 each, to be divided among the states and territories according to their population. The amount of the stock assigned to the Territory of Dakota was \$3,800 only; and the terms of subscription required the payment of 20 per cent or \$2 on each share at the time of subscribing; 20 per cent the following May; 20 per cent in July; 20 per cent in September; and the final 20 per cent in November. Subscription books were opened at Mark M. Parmer's bank in Yankton, in June, 1873, and remained open until March, 1874, at which time the stock was all taken, partly by citizens of the territory and partly by military people and other Government officials. The purpose of the law was to induce as many of the people as possible to become stockholders. John A. Burbank and M. K. Armstrong were the incorporators or members of the board of finance for Dakota.

TERRITORIAL FAIR AND CENTENNIAL

Preliminary to the making of an exhibit of the resources of Dakota Territory at the exposition an association was formed at the capital of the territory in August, 1875, to promote the holding of a territorial fair, and to do whatever could be done to forward the work of making a creditable agricultural and mineral exhibit of the resources of the territory. The harvest was abundant in 1875—surpassing the best that had been accomplished since the organization of the territory. As an instance of the bountiful yield of the grain fields, a Lincoln County farmer produced wheat that yielded thirty-five bushels to the acre, and his oats averaged 109½ bushels. One field of forty acres in Clay County was claimed to have produced an average of fifty bushels of wheat to the acre. Though these yields were exceptional, the production throughout the territory was largely in excess of any crop theretofore garnered. The fair organization, or rather the preliminary steps thereto, were taken at Yankton, August 23, 1875 when a meeting was held which was attended by the following named citizens:

Franklin J. Dewitt, Joel A. Potter, Newton Edmunds, W. A. Burleigh, C. F. Rossteuscher, William Miner, O. A. Albee, E. P. Wilcox, Frank Hefner, Wm. P. Dewey, Wm. M. Powers, William Blatt, Hermann Buerdorf, Lott S. Bayless, A. J. Sweetser, A. J. Faulk, H. B. Wynn, Jas. B. Wynn, Samuel Buckwalter, Simon Eiseman, Charles Eiseman, A. W. Howard, H. O. Anderson, Jas. A. Hand, John Ross, Chas. Williams, John Becker, Chas. Wallbaum, John Bates, W. S. Arnold, M. T. Woolley, C. J. B. Harris, Frank VanTassel, John Treadway, F. J. Cross, A. F. Hayward, W. W. Brookings, W. S. Bowen, G. W. Kingsbury,

Maris Taylor, James Taylor, George Hendel, A. Schanden, H. Schanden, E. Iverson and M. A. Baker.

No formal organization was had at this gathering. The proposition to hold a territorial fair was, however, unanimously supported. The meeting was adjourned to the evening of the 21st, when it reconvened. Ex-Governor Edmunds, of Yankton, was elected chairman, and Melvin Kingsby, Snake Falls, secretary. A number of encouraging agricultural and immigration speeches were made. The important results that would flow from a public exhibition of the products of Dakota soil and Dakota pastures, at this time of abundance and general prosperity, and the influence it would have in inducing settlers from the elder states to come in and people the vacant lands of the territory, were eloquently and convincingly stated; and it was finally and formally, by a hearty and unanimous vote:

Resolved, That it is the sentiment of this meeting that a territorial fair be held, and can be held this fall.

Resolved, That the exhibits to be made at the fair shall furnish the basis for a collection to be displayed at the United States Centennial Exhibition to be held at Philadelphia in 1876.

Resolved, That a committee consisting of Judge Lott S. Bayless, Wm. Pitt Dewey, Mark M. Parmer, Maris Taylor, W. W. Brookings, Gov. John L. Pennington and G. W. Kingsbury, be appointed to devise a plan and suggest ways and means for carrying the project into execution, and also to confer with citizens of other parts of the territory, either in person or by letter, and invite their co-operation and solicit their attendance at a meeting to be held in this hall on Friday evening, August 27th, for the purpose of forming an organization and devising plans for an exhibition the present season.

A subscription list was opened at this meeting, and the amount of \$172 subscribed.

The meeting then adjourned, and on the Friday evening following, a much more numerous body of citizens assembled at the same place and elected Judge Lott S. Bayless, chairman, and Nathan Ford, secretary. Speeches were made and letters read promising hearty cooperation. A number of representatives from other counties were present. The following resolutions, which provided an ample basis for the enterprise, were introduced by Judge Brookings, and adopted without dissent:

Resolved, That the citizens of Dakota proceed to organize and hold a territorial agricultural fair, at Yankton, occupying two days, at a time to be fixed by the permanent committee.

Resolved, That an executive committee of seven, consisting of Messrs. J. C. Dewey, Judge L. Congleton, G. W. Kingsbury, M. T. Woolley, J. W. C. Matthews, Judge W. S. Williams, and Adolph Schanden be elected at this meeting for the purpose of making all necessary arrangements that in their discretion shall be required to carry out the plan successfully; and that said committee have power to fill vacancies in that number.

Resolved, That Nathan Ford be elected secretary of said executive committee.

Resolved, That the executive committee provide for a woman's department, and request the women to hold a meeting and elect their own executive committee to take charge of their department.

Resolved, That Mark M. Parmer, A. J. Saxton and Elias F. Schanden be appointed a finance committee for the purpose of obtaining contributions to cover the expenses of the fair; M. M. Parmer to be chairman and act as treasurer, and the two others as ordered by the executive committee.

Resolved, That Hon. George H. Hand, of Yankton; Hon. John A. Miller, of the Hon. George Stickney, of Union; Hon. C. F. Anderson, of Farmer; Mark W. Nelson, of Lincoln; L. D. F. Moore, of Bon Homme; J. C. Fitch, of Armstrong; James E. Wagner, of Charles Mix; A. S. Jones, of Hand; M. J. Quinn, of Mussouri; E. J. Brown, of Hanson; S. G. Roberts, of Cass; C. C. W. Thompson, of Hughes; H. J. Brown, of Davidson; C. W. Wright, of Lake; M. D. J. Peterson, of Murray; and Geo. C. Codrington, of Brookings, be elected a permanent committee to prepare and submit for the permanent organization of a territorial fair, and to hold a meeting to present the same at a meeting to be held in the hall on Friday evening, August 27th, for final action thereon.

Resolved, That all moneys and prizes that may be left after paying the expenses of the fair, be placed in the hands of the permanent committee.

Spink, of Yankton; Hon. F. J. Cross, of Minnehaha; and Hon. J. W. Hoffman, of Union counties, and be used for the purpose of aiding and securing a proper representation of Dakota at the United States Centennial Exhibition at Philadelphia in 1876.

The amount of \$360 was subscribed at this meeting, which then adjourned, and the active work of preparing for the exhibition was taken up. J. W. C. Morrison was elected chairman of the executive committee. This committee fixed the dates for the fair to be held on Wednesday, Thursday and Friday, September 29th, 30th, and October 1st. The railroads of Iowa and Minnesota pledged low rates for the occasion.

The fair grounds were selected on a 40-acre tract of Picotte's, where a race track was laid out and temporary structures erected and tents provided for the exhibition and to accommodate the people.

Fine weather greeted the people on the opening day of the important event, and Yankton was filled with visitors who had come in from every quarter. A meeting of the fair society was held and the following imposing array of officers elected and appointed:

President—Hon. John W. Turner, Turner County. Vice Presidents—E. B. Crew, Clay County; Byerk Peterson, Yankton County; George Stickney, Union County; Hugh Fraley, Bon Homme County; Henry Maxwell, Hutchinson County; Daniel Shearer, Armstrong County; Samuel Bloom, Hanson County; John Head, Davison County; A. B. Wheelock, Lincoln County; Artemas Gale, Minnehaha County; C. W. Lounsberry, Burleigh County; A. McHench, Cass County; Geo. Winship, Grand Forks County, and D. M. Kelleher, Stutsman County. Marshal—W. H. H. Beadle, Yankton. Secretary—Nathan Ford, Yankton. Treasurer—Mark M. Parmer, Yankton.

Superintendents and Awarding Committees: Class A, Cattle—G. P. Bennett, Union. Awarding Committee: F. B. Foster, Rockport; L. Bothun, Sioux Falls; G. W. Kellogg, McCook, Union County. Class B, Horses—A. C. VanMeter, Clay County. Awarding Committee: Col. C. T. Campbell, Scotland; C. K. Howard, Sioux Falls; I. N. Martin, Canton County. Class C, Sheep—Jerry Gehon, Lincoln County. Awarding Committee: Knud Larson, Vermillion; Bligh E. Wood, Springfield; Jacob Max, Yankton. Class D, Swine—G. L. Whitmarsh, Turner County. Awarding Committee: C. F. Mallahan, Elk Point; C. H. McDonald, Sioux Falls; Newton Edmunds, Yankton. Class E, Poultry—Dr. J. L. Phillips, Minnehaha County. Awarding Committee: Daniel Shearer, Milltown; N. J. Wallace, Elk Point; W. W. Aurner, Swan Lake. Class F, Fruits and Flowers—Mrs. Newton Edmunds, Yankton County. Awarding Committee: Mrs. M. W. Sheafe, Elk Point; Mrs. Charles Presho, Milltown; Mrs. A. J. Faulk, Yankton. Class G, Farm Products—Alfred Brown, Scotland, Bon Homme County. Awarding Committee: A. S. Jones, Olivet; Peter Jordan, Vermillion; Daniel Unruh, Childstown, Turner County. Class I, Agricultural Implements—Jacob Brauch, Yankton. Awarding Committee: H. H. Rudd, Lodi; John E. Maxwell, Olivet; Jerry Gehon, Canton. Class K, Manufactures—D. B. Cooley, Yankton. Awarding Committee: H. E. Bonesteel, Springfield; A. F. Shaw, Sioux Falls; E. W. Miller, Elk Point. Class L, Domestic Arts and Manufactures—Mrs. H. C. Davidson, Springfield. Awarding Committee: Mrs. Geo. A. Keeler and Mrs. J. M. Wahl, Canton; Mrs. Clark Tarbox, Lakeport. Class M, Sewing Machine Work—Mrs. H. M. Fisher, Yankton. Awarding Committee: Mrs. J. L. Phillips and Mrs. A. Gale, Sioux Falls; Mrs. George P. Waldron, Yankton. Class N, Fancy Work—Mrs. N. J. Cramer, Yankton. Awarding Committee: Mrs. M. Grigsby, Sioux Falls; Mrs. W. S. Bowen, Yankton; Mrs. G. W. Kellogg, McCook. Class O, Fine Arts—Mrs. W. M. Bristoll, Yankton. Awarding Committee: Mrs. L. D. F. Poore, Springfield; Mrs. Wm. VanEps, Sioux Falls; W. S. Bowen, Yankton. Class P, Miscellaneous—Rev. Stewart Sheldon, Elk Point. Awarding Committee: Rev. J. H. Magoffin, Yankton; Mrs. J. P. Kountz, Bon Homme; H. H. Blair, Elk Point; Mrs. H. H. Blair, Elk Point; Mrs. D. M. Inman, Vermillion. Class Q, Baby Show—Mrs. Oliver Shan

non. Awarding Committee—J. W. Turner, F. J. Dewitt, J. A. Kern, Joel A. Potter, J. Shaw Gregory, W. A. Burleigh, J. P. Kulder, Mrs. B. F. Wood, Mrs. B. C. Cogan; Mrs. Geo. W. Rounds, Bon Homme. Class R, Drying and Trotting—T. W. Brisbane, Yankton. Class S, Flour and Meal—R. B. Hunt, Yankton. Awarding Committee: C. W. Beggs, Elk Point; P. H. Turner, Springfield; Chas. E. Prentice, Vermillion. Admission, single ticket 25 cents; family ticket, good for the season, \$1.

There were 250 persons who made entries for articles for exhibition and as contestants for premiums, the latter largely paid in ribbons and cards and certificates. There were about twenty-five hundred articles exhibited in the various departments. The weather was favorable, and the exhibition provoked so much favorable feeling and comment that it was resolved to make it a permanent event, to be held annually. The laws of the territory made no provision for the organization of an agricultural society, such as was thought expedient; but a society was duly organized at the close of the fair and the following officers elected: John W. Turner, president; Judge Granville G. Bennett, of Clay County, vice president; Miles T. Woolley, Yankton, secretary; L. D. L. Moore, Bon Homme County, treasurer. The directors were Alfred Brown, Hutchinson County; J. L. Fisher, Clay; D. P. Bradford, Bon Homme; Wm. K. Hollenbeck, Turner; F. B. Foster, Hanson; P. H. Risling, Yankton; G. W. Kellogg, Union; S. L. Spink, Yankton; H. H. Rudd, Clay.

The officers of the society were authorized to name the time and place for holding the fair thereafter, but no change was made in the place for a number of years, and an annual exhibition was quite regularly held at Yankton.

The actual expenses consumed most of the receipts and contributions, and the remainder was turned over to the board of centennial commissioners, and selections were made of a number of articles with a view of adding them to the collection of mineral and forest exhibits of the territory to be made at the centennial exhibition.

VERMILION SCORCHED BY FIRE.

While the people of Dakota generally were devoting themselves to the relief of a large number of farmer settlers who had lost their crops by the grasshopper raid of the year previous, a most disastrous fire occurred in the City of Vermillion, practically destroying the business portion of the town. Above thirty business buildings were burned on the 13th of January, 1875, leaving but three standing. The county officers were kept in rented buildings, and the county treasurer lost \$3,000 in cash and all the books and records. The city had no adequate water supply or fire organization, and a stiff northwest wind prevailing, placed the town at the mercy of the flames. The principal losers were the Doctor Lyons' estate; J. W. Grange & Bros.; Hayward & Son; Hodgins Bros.; J. Becket; Findlay & Morrison; Hornick & Walls; C. C. Russell; Prentiss & Newton; Geo. H. Pratt; R. D. Tyler; Samuel Jones; Thompson & Lewis; Pratt & Devay; W. H. L. Owens; Geo. Ashard; Hans Gunderson; J. N. Ward; D. Stephens, N. Hanson; J. N. McComer; W. P. Carr; C. H. True; Wm. Deming; F. C. Tubbs, Cal. Shaw; John L. Jolley; W. K. Hollenbeck; C. N. Cliff; Doctor Burdick; E. B. Crawford. Insurance rates had been so high, owing to the exposed situation of the town, that the property owners and business men had carried only a small amount of indemnity.

MINNEAPOLIS EXCURSION.

An excursion party made up of Minneapolis professional and commercial men, and others engaged in manufacturing, made Dakota Territory a visit in June, 1875, stopping at Yankton on the rail of Vermillion. The object was to visit the excursionists, who were not only the representatives of business interests but

included those occupying official stations, was to see this country of the Dakotas during the growing season, having in mind future commercial intercourse with Dakota, which was regarded as the most important grain producing region tributary to the young grain metropolis and flour manufacturing center of the United States.

This was the budding period of great enterprises, when the foundations were being laid for stupendous commercial associations and its kindred industries: when men were building better than they knew; when the most sagacious, and far-seeing, and optimistic, failed to grasp the wonderful development which the future had in store for the Northwest.

Minneapolis was just beginning its remarkable career, and its destiny was in the hands of men singularly well-equipped to make the most of the natural resources of the grain gardens of the world.

An address of welcome was presented to the city's guests upon their arrival, by Governor Pennington, after which they were taken in carriages and given a view of the town and its surroundings, and were also treated to an exhibit of the agricultural products of the territory, a fine variety having been collected for the occasion which were donated to the visitors and taken by them back for exhibition in the Minneapolis Chamber of Commerce. At the conclusion of the carriage ride, a frontier luncheon was provided at the Merchants Hotel, which was greatly enjoyed by the guests and the host; after which the party was escorted to the depot, where an address, in acknowledgment of the courtesies shown the visitors, was made by the Hon. W. D. Washburn, the eminent Minnesota statesman and head of the leading flour manufactory in the United States. With this address, the ceremonies ended and the visitors departed.

Dakotans were, at this time, seeking the aid of their more influential neighbors on the east, in the construction of railroads and in the promotion of routes to the Black Hills, and this visit of representative Minnesotians was viewed as the beginning of an intercourse that would be mutually advantageous. While the benefits of this intercourse were not immediate, and were never of great importance to the extreme southern portion of the territory, the development of Dakota generally was promoted and a bond of mutual interest established that has continued to be an important factor in all the great enterprises that have marked the progress of the Dakota commonwealth.

THE BLACK HILLS

CHAPTER LXVII

EARLY EFFORTS TO OPEN THE BLACK HILLS

SIoux INDIANS EARLIEST DISCOVERERS OF GOLD—FATHER DESMET PRESERVED THE SECRET—DEATH PENALTY TO ANY WHO SHOULD REVEAL THE FACT TO THE WHITES—DESMET'S CORRESPONDENCE—THE SIOUX INDIAN NATION WHO ACKNOWLEDGED THE OWNERS OF THE COUNTRY—BYRON SMITH'S EXPEDITION OF 1800—MILITARY CHIEFS PROHIBIT IT—WAR DEPARTMENT DIVIDED IN OPINION—GENERAL POPE WOULD BUILD A FORT AND OPEN THE HILLS—FATHER HAYDEN'S VISIT IN 1804—HAYDEN'S DESCRIPTION OF THE BAD LANDS—1810—DAVY'S BLACK HILLS EXPEDITION—AN INDIAN CAUGHT WITH NEEDLES—MILITARY AUTHORITIES ISSUE PROHIBITION ORDER—GOVERNOR OF DAKOTA OFFICIALLY NOTIFIED—GOVERNMENT EXPLORERS WHO KNEW OF THE GOLD DEPOSITS—LIEUTENANTS MULLEN AND WARREN IN THE HILLS—1820—THE NEAREST POINT TO THE EL DORADO—GENERAL HANCOCK ISSUES A COMPREHENSIVE STATEMENT—THE GOVERNOR OF DAKOTA PROCLAIMS AGAINST BLACK HILLS IMMIGRATION—DAKOTANS, AS A RULE, RESPECT THE RIGHTS OF THE GOLD POWERS.

That the Sioux Indians were the discoverers of gold in the Black Hills region seems reasonably certain, but at what time there is no definite information. They knew the value of the metal but did not know any method of mining it. They were known to have nuggets of gold in their possession, and exchanged it for merchandise, during the first half of the last century, at Fort Laramie, and also at some of the trading posts on the Missouri River. These nuggets they had found in the numerous streams issuing out of the hills, and while they could detect the metal in the beds of the creeks, they had no knowledge of its occurrence in placers or in quartz veins. Father DeSmet, the renowned Jesuit missionary, devoted his life work from 1840 to near 1870 to Christianizing the Indians. Like Paul of old, he was never a charge upon his people but contributed generously to their relief in times when disease and starvation assailed them. The reverend father knew of the existence of gold in the Black Hills but he was prone to avoid any allusion to the value of the country, concerned as he was with the religious and moral welfare of the people who claimed it and had a just title to the soil. The secret was revealed to him by the Indians, and he preserved it as to the locality of the gold fields, until the time came when it could be revealed without detriment to the red man, though he had for prudential reasons, long before known to a few intimate friends, that a valuable gold field existed in the Northwest; that it was upon Indian territory, and was not known to the white people. He was not, however, the least tempted to get gain from his knowledge, nor would he willingly permit others to disturb the peace of his Indian converts by going to the Black Hills in quest of it. It is contended that he was instrumental in inducing the Indians to a policy of absolute secrecy regarding the existence of gold in their territory, and cautioned them against revealing the

gold they found in the streams out of the country. He told them that if the white people learned of it they would come in and possess the country.

It was claimed by the early pioneers of Dakota that the Indians were under a solemn obligation not to reveal the existence of gold there under penalty of death. The obligation was religiously observed. In confirmation of this it is related that in the year 1857, in June, at the great Sioux camp at Lake Traverse and the Big Stone Lake, at the council which elected Sitting Bull war chief of the Tetons, a law was enacted by the tribes of the Sioux there represented, subject to the rule of the supreme chief of the nation, Black Moon, as follows:

That any Indian who should show the gold fields in the Black Hills to white men, should die, and the whites thus made aware of the presence of gold there should also die, for fear that the country would be taken from them.

After the death of Father DeSmet, which occurred in 1870, and after the agitation for the opening of the hills had become nation wide there appeared in a Washington paper a letter from Colonel VanVliet to Thurlow Weed, one of the famous New York statesmen who flourished with Seward and Greeley before the Civil war, giving the substance of a conversation had with Father DeSmet some twenty years prior to the date of VanVliet's letter, in which the reverend father had, in confidence, acquainted VanVliet with the existence of a platinum deposit in the Sioux country, between the Yellowstone and the Cheyenne River, which DeSmet had visited. This letter brought out a confirmatory letter from John B. Stolley, of Washington, a life-long friend of DeSmet. Stolley's letter bears a Washington date, April 26, 1875, and was as follows:

Sir: Colonel VanVliet's letter to Thurlow Weed, published in the Republican of the 24th of April, reminds me of a similar interview I had in this city with Father DeSmet, in 1864. I had been honored from my boyhood with the confidence and friendship of the reverend father, and in this interview, while speaking of my business prospects, he said if he were at liberty he could tell me where I could realize quickly a large fortune; that in one of the Indian reservations there existed very rich gold deposits of which the whites were ignorant; that the Indians had shown him large nuggets of the ore they had picked up in the beds of streams, and he believed that this place would some day prove to be the richest gold field in the world. He told me this in confidence, and said that he had cautioned his children, as he called the Indians, not to show these nuggets to white traders, who would thereby be tempted to overrun the reservation and drive out the Indians. Father DeSmet had but a short time previous to this interview been in the Black Hills country, and it was to that locality, I have no doubt, that he referred. As the existence of gold in the Black Hills is now a matter of notoriety, I feel absolved from any obligation of secrecy to my deceased friend in making public the above statement.

JOHN B. STOLLEY.

The communities that had settled at three or four points along the Missouri Valley in the earliest days of Dakota's occupation by the whites under the Yankton treaty, were the first to become informed in a general way of the mineral and timber resources of the Black Hills; and the first who made efforts and expended time and money, memorialized Congress, and organized expeditions to explore the country. Yankton people led in these organizations and efforts. A number of persons, more or less familiar with the Black Hills country, and also on friendly terms with Indians, who had been in and out from that region, resided at Yankton or made Yankton their abiding place when they were not absent in the Indian country.

In 1864 came the first authentic report to the pioneers of the Missouri Valley in Dakota, regarding the gold bearing character of the Black Hills country. The "squaw men"—those whites who had Indian wives, had learned of the existence of gold there, and claimed to have seen specimens of the valuable metal in the possession of Indians who had obtained them in the hills. Some of the older traders along the Upper River were also in possession of information regarding the mineral deposits in that section, but made no effort to acquaint the people with the facts, probably influenced by their own interests, which would have been

jeopardized by the incoming of a large body of white people. While the auriferous character of the country had been mentioned by an occasional exploring party sent out under the patronage of the Federal Government, the subject had not attracted much attention until the Indian campaign under General Sully in 1864 had directed attention to that quarter and unsealed the lips of those who had reliable information regarding the valuable resources of that section.

Among the possessors of this "open secret" may be mentioned Charles F. Picotte, Colonel Galpin, Colonel Culberson, and Maj. William P. Lyman, all of whom had their information from first hands, and to their discreet friends spoke of it with unqualified confidence. Picotte was a Sioux half-breed and was born at Fort Pierre, well educated, grew up in the Cheyenne country, and traded with the Black Hills Indians for ten or twelve years prior to 1870; Galpin was the second husband of Mrs. Picotte and one of the confidential councillors of the Sioux chiefs; Culberson was a trader with a Sioux wife; and Lyman was the son-in-law of the famous Strike-the-Ree. M. K. Armstrong, who published the early history of Dakota in 1866, became the confidential agent of Picotte at Yankton, and it was undoubtedly from Picotte that he derived much of his most valuable information concerning Western Dakota including the mineral and other resources of the Black Hills; and the same authority contributed much valuable information respecting the western part of the territory which was given in the first message of Governor Jayne to the first Legislature. The parties named were all pioneers of Yankton except Galpin and Culberson who were frequent visitors. It is to be expected, therefore, that Yankton people, from the earliest years of the settlement of the territory would manifest a lively interest in the Black Hills country and did not relax their efforts to secure their exploration.

The Black Hills Exploring and Mining Association was the name given to an organization at Yankton, in January, 1861, headed by Byron M. Smith, Maj. W. P. Lyman, M. K. Armstrong, W. W. Brookings, Newton Edmunds, William Miner, J. Shaw Gregory and others. It was the first citizens organization in the United States having the exploring of the Black Hills country as its purpose. A number of public meetings were held during the winter, and a membership enrolled that included half the adult male population of the village. Its object was well explained in its title, and those who made up its active membership were deeply in earnest, and were such men as an initial movement of this kind could be confidently entrusted to. They were not all practical miners, but they were practical frontiersmen, and whenever the time arrived to move forward they would be accompanied by a number of experienced Californians who had panned out gold in the gulches of that country. The hills and adjacent country extending to the Missouri River was regarded as Sioux Indian country, though at the time of which we write there had been no treaty stipulation affecting it, or declaring it to be an Indian reservation; but it was known as Indian land and that the Indians professed to regard it with peculiar veneration, and above all price, and would listen to no proposal for disposing of it.

No movement appears to have been made toward starting the expedition formed by this association during the year 1866. General Sully's second campaign (in 1864) had been successful, the hostile Sioux Indians were in a subdued if not peaceful condition; and the Government had undertaken to make peace treaties with the Sioux during the years 1865-1866; wagon road expeditions were at work under the patronage of the Government to open roads from the Missouri to Montana by way of the Niobrara route, and also from the mouth of the Big Cheyenne River to its forks near the base of the Black Hills thence westward to a connection with the Niobrara road, and many of the members of the association were engaged in that work. It was not known at this time that the Government would interpose the slightest opposition to the expedition and pay no part in postponing a forward movement.

During the following winter, 1866-67, the association was revived under Mr. Smith's leadership, and widely advertised. Preparations were made for an expedition

stantial basis for carrying out the project, and during the spring of 1867, there had assembled at the rendezvous at Yankton, about one hundred men, well armed, equipped and provisioned. Nearly all were ex-soldiers of the Civil war, and their white tents composed an orderly laid out village on the bank of the Missouri. The spring season was late and the grass tardy in starting, which delayed the forward movement. A portion of the new membership of the association had come from the Southern States, and from Pennsylvania and Indiana. The larger portion were Dakotans and Nebraskans, from the various settlements along the river, and all were impatient to be on their way.

During the spring, it had been given out and was generally known that Mr. Smith had been promised a military escort for his party, and the delay in starting was presumed to be partly due to the non-arrival of the troops; but there must have been some misunderstanding regarding this escort feature, for early in June, when the departure of the expedition was daily expected, the camp of the enterprise was thrown into the greatest consternation by the announcement that General Sherman had issued a letter virtually forbidding the invasion of the Sioux country. The correspondence relating to this unfortunate turn to his plans was furnished to the members of the expedition by Governor Faulk, to whom the official letters of the military authorities had been addressed. The first communication is from Sherman to General Terry, as follows:

Headquarters Military Division of the Missouri,
St. Louis, Mo., May 27th, 1867.

General: I have your letter of May 22d, with the enclosures, relating to an expedition getting up at Yankton for the Black Hills. I agree with you perfectly that we are not in a position to permit an invasion of that region, for no sooner would a settlement be inaugurated, than an appeal would come for protection. Now there is no other section of country in which the Sioux can take refuge except in that which Mr. Smith proposes to explore. You may, therefore, forbid all white people going there at present, and warn all who go in spite of your prohibition, that the United States will not protect them now, or until public notice is given that the Indian title is extinguished.

W. T. SHERMAN,
Lieutenant-General Commanding.

To ALFRED H. TERRY,
Brevet Major General, U. S. A., St. Paul, Minn.

Headquarters Department of Dakota,
St. Paul, Minn., June 1st, 1867.

To His Excellency, A. J. FAULK,
Governor of Dakota Territory.

Sir: I have the honor to forward to you, enclosed, a copy of a letter from Lieutenant-General Sherman, to me, and to request you to bring it to the attention of the parties at Yankton, who are engaged in organizing for the exploration and settlement of the Black Hills. I respectfully suggest to your excellency that a proceeding more inimical to the safety of the inhabitants of Eastern Dakota, could hardly be devised. The Sioux place the highest value upon the region of country in question. They look upon it as their last refuge from starvation. When all other sources of food fail them they can there find game. They have repeatedly announced their determination to repel by force any attempt to take possession of it. It is unceded Indian territory, and although I am not so familiar with the law affecting such territory as to have a fixed opinion on the matter, I have supposed that whites have no legal right to enter upon and occupy it. The proposed expedition will, I feel sure, seriously complicate existing difficulties, and bring on hostilities which will be likely to extend to the settled portions of the territory. The expeditionary party may be able to protect themselves, although of this I think there is some doubt, but that it will be practicable to commence settlement there until some arrangement is effected with the Indians, I do not believe. No military protection can be given at present, nor will it be given until settlement is authorized by the extinguishment of the Indian title.

I address you on the subject because I know you must be interested in the safety of the people of the territory, and also as the readiest means of conveying to the persons engaged in organizing the proposed expedition a warning that the military authorities will not protect them in an invasion of land still held unceded by the Indian tribes.

Very respectfully,
Your obedient servant,

ALFRED H. TERRY,
Brevet Major-General, U. S. A., Commanding.

The expedition was not absolutely forbidden, but the position of the military authorities put the exploring enterprise in the light of an unlawful marauding expedition—a sort of piratical excursion which did not meet the favor of the members, and after a week or more of discussion, the larger part of the members resolved to disband and abandon the project.

This result was very gratifying to the army officials, who felt that they would have been required to halt the expedition whenever it invaded the Indian country, a duty not altogether agreeable when enforced against respectable citizens of the Government, though this was not suggested in the letters given.

While the members of the association did not feel that the Indians would make any formidable opposition, they were convinced that the expedition would be regarded with such disfavor by the Government authorities, that it would be unable to accomplish any commendable or praiseworthy purpose, and would probably terminate in failure.

Mr. Smith made no further effort to explore the country, but a number of the party who came in from the East, remained in the territory, anticipating a favorable turn in the treaties proposed, that would enable them to carry out their plans.

In support of the statement made that the Government authorities had promised an escort of military to the expedition, the following brief correspondence is given, which shows that contrary counsels existed in the war department. Edwin M. Stanton was then secretary of war, and it would appear that he had overruled or countermanded the warning proclamations of Generals Sherman and Terry. Dr. W. A. Burleigh was then delegate to Congress. Correspondence follows:

War Department, Ordnance Office,
Washington, D. C., June 10th, 1867.

HON. W. A. BURLEIGH, Yankton, Dakota Territory.

Sir: In confirmation of the telegram to you of this date, I have now to inform you that in pursuance of instructions from the secretary of war, endorsed on your letter to him of the 29th ult., General Augur has this day been requested to cause two mountain howitzers, with implements complete, and 200 rounds of ammunition, one half caliber and the other shells—to such person as you may designate, and who will receipt for the property, and you are requested to correspond with the general, or with Major Edie, the ordnance officer at Omaha, in case of General Augur's absence.

Respectfully, your obedient servant,

A. B. Dyer.

Brevet Major-General, Chief of Ordnance.

Headquarters Department of the Plains,
Office Chief Ordnance Officer,
Omaha, Neb., June 11th, 1867.

HON. W. A. BURLEIGH, Yankton, Dakota Territory.

Sir: The secretary of war having directed the issue of two mountain howitzers and 200 rounds of ammunition for same, to a party of citizens desirous of their use for the exploration of the Black Hills of Dakota, I am directed to have the same taken at Fort Randall, and communicate with you on the subject. The commanding officer of that post has been directed to furnish you or any one you may designate, with the arms and ammunition. Be pleased to communicate with him on the subject.

I am, sir, very respectfully, your obedient servant,

J. B. Lee.

Captain and Brevet Major Ordnance Corps.

This incident of Smith's expedition had caused some confusion in the councils of the war department, but the matter was settled by yielding to the views of the generals in charge of the western military districts, who were apprehensive of serious trouble with the Indians following any white invasion of that region at the time, whether supported by the army or furnishing their own protection.

The following copy of a letter from Gen. John Pope, then commanding the Department of the Missouri, relates to a matter showing that the Government had designed opening the Black Hills region prior to the making of the Laramie treaty of 1868:

Headquarters Department of the Missouri,
St. Louis, March 8, 1866.

To the Governor of Dakota Territory.

Sir: I have the honor of acknowledging the receipt of a memorial from the Legislature of Dakota Territory, asking the secretary of war to establish a military post on the north base of the Black Hills in that territory.

Whilst your letter transmitting this memorial to me does not invite a reply, I think it not improper to inform you that last year all preparations were made to establish the post referred to, but a panic in Minnesota forced me to divert the forces designed for its establishment to another part of the country.

It is my purpose as soon as the season opens to place as large a military post as the force at my command enables me so to do, on or near the upper waters of the Big Cheyenne, at the northern base of the Black Hills, with a view to open that country to explorers, and to constitute one of the posts on the route via Powder River and the Big Horn Mountains, to Montana. The post will be established as early as practicable in the spring.

I am, sir, very respectfully, your obedient servant,

JOHN POPE,
Major General Commanding.

HAYDEN'S BLACK HILLS REPORT

Dr. F. V. Hayden, the eminent scientist, who fifty years ago, was professor of geology in the Philadelphia Academy of Sciences, and was also connected with the Smithsonian Institution at Washington, paid Dakota a visit in August, 1866. He proceeded to Fort Randall, where he obtained a few troops for a body guard and companions, and then made an excursion to the Bad Lands and Black Hills of Western Dakota. He returned in October, following, having been very successful, and halting a few days at the capital, was prevailed on, by Governor Faulk, an enthusiastic believer in Dakota's marvelous natural riches and wonders, to deliver an address, giving an outline of his observations and discoveries during the summer. A synopsis of the address is given herewith, for even at this late day, when so much has been learned of the country he visited, now inhabited by thousands of intelligent people, with their cities, churches, colleges and railways, to say little of their world famous gold mines, his story will be found as entertaining and instructive as it did when he told it to a gathering of charmed pioneers, in the capitol building at Yankton, nearly fifty years ago. At that time the people of this outpost and this border land of civilization, were beginning to feel an interest in the Black Hills, while the business men of Yankton particularly were anticipating great benefits from that region, when it should be opened up, because of their proximity, which seemed to give them a favorable advantage as the outfitting and starting point for emigration. It was not at that time known that there would be any interdiction of this emigration by the general Government, which had, at least tacitly, consented to the occupation of the Salmon River and other sections in Montana and Idaho, by thousands of gold seekers.

The meeting at Yankton was held on the evening of Thursday, October 6th. Governor Faulk presided and M. K. Armstrong was the secretary, the meeting being held under the auspices of the Dakota Historical Society. Professor Hayden proceeded in substance, as follows:

In 1853 I made my first tour of exploration in the Northwestern territory, in connection with the military expedition under General Harney. Nebraska was then a wilderness, with no permanent white settlements above Fort Leavenworth. I made the scientific explorations under Lieutenant Warren, in 1856-7, and under Captain Reynolds, in 1859-60. These explorations extended through the Platte River country, the region of the Black Hills and Bad Lands, and the great valleys of the upper Missouri and Yellowstone, comprising nearly nine years of scientific research in the territory of the Northwest.

My present brief journey to the Black Hills country was prosecuted for the purpose of collecting shells and fossils from the shore of that ancient ocean, which long ago, in by-gone ages, rolled through the upper regions of Dakota, with its lower confines ranging from the Black Hills to the great bend of the Missouri River above the Crow Creek Agency. I have returned with seventeen large boxes of choice collections. Leaving Fort Randall on the 2d of August, with two teams, four camp men and five soldiers, and an Indian guide, I proceeded up the Niobrara River and crossed over to White River at a point about two

hundred miles from Laramie. The Niobrara River rises near the Four of Key Lake, Dakota, which is a spur or distant outburst of the Rocky Mountains. The Niobrara is one of the least valuable rivers in Dakota [at this time the Niobrara River, from its mouth to its junction with the Kcha Paha, formed a portion of the southern boundary of Dakota]. It is a shifting channel with quicksand bottoms and falling shores. The country is more or less relieved with a scrubby growth of dwarf pines, while the strong winds which sweep over the country furrow out the dry plains and pile up the sand in heaps and ridges, called the "Sand Hills." But even these dry and hills are the occasional growth of the grass, embracing as they do narrow valleys of good bunch grass and spurs of timber.

The Bad Lands, which I entered on White River, are not entirely destitute of vegetation, as generally supposed, but are about two-thirds covered with grass. White River, which rises near the source of the Niobrara, is very thick and muddy, with a sort of lime held in solution coming from the Bad Lands. This stream is quite large near its source, with numerous fine springs and wooded brooks making into the river, its Indian name being the "Flesh Colored River." The White River Valley is one of the most beautiful in the West, having an abundance of wood and grass, and is a favorite place of resort of the Indians. Beyond the White River is the Big Sheyenne, with the Black Hills rising between its two arms or forks. These celebrated hills are a distant offshoot of the Rocky Mountains, and are at their base about four thousand feet above the level of the sea, while some of the highest peaks, such as Harney's and Bear's Peak, are 7,500 feet above the sea. This upheaval of hills is about eighty miles in length by forty in width, lying southeast and northwest.

The Sheyenne River is no larger at its mouth than just below the forks, 100 miles further west, which is occasioned by the thirsty dryness of the air and climate, which drinks off or absorbs the rivers of the plains.

From one third to one-half of the Black Hills are covered with an abundant growth of young, thrifty pines, many trees from three to four feet in diameter, and from one foot to one hundred feet without a limb. The hills are abundantly watered by small streams of pure cold water, running through small, beautiful valleys of most fertile farming. Rain showers are very frequent in the vicinity of the hills. Spring is much earlier in the Black Hills than in Southern Dakota. On the 6th of March, 1885, I went from Fort Pierre to Bear's Peak and found a flower in bloom on the sunny hillside, and herds of antelope, partly grazing like flocks of sheep. The Indians said "Young Spring was here." Six months' crops can be grown in the Black Hills. From the character of the climate I believe that grasshoppers will never carry their devastations into that region. The isothermal line brings the Black Hills climate on an equal temperature with that of the plains one hundred miles further south. The Black Hills form an antichlinal axis of an upheaved inland basin of the great Rocky Mountain chain. A synclinal axis is formed by the sinking of the central crust. The Black Hills were lifted up by the last of the earth's swelling years. The arid plains rise one foot to the mile in approaching these hills, but even there from their base is twenty feet to the mile. In the formation of these hills, as in all mountain ranges, the unstratified rock are heaved up in a broken and confused mass from below, and are destitute of all traces of animal life. Intermingled with these rocks are the deep gorges and the gold bearing formations which are developed in the Black Hills. Little quantities of grains of gold can be found in almost any little stream or gulch, but in some places the fine gold is not always found in paying quantities where "color" is raised. While there is every indication of rich gold deposits in these hills, and gold seekers have been sent for the purpose of collecting old fossil remains than glittering dust.

Above the primary or unstratified rocks come the stratified formations, first up and broken in the Black Hills like the layers of an onion, the core of which is the primary or gold bearing rocks. Next comes the carboniferous or coal measures. We are here on the west rim of the great coal basin. No coal has yet been found in the Black Hills. These have all been burned at some distant period and exist no longer. This is a connecting link in the great geological chain of the globe, and was first found in this position in the Black Hills, and was added to that of England. Carboniferous is found in the Black Hills 100 feet in thickness, and will yet prove of value to the great West. The carboniferous rocks are also there and form a distinct plateau in the geological world. It contains a new form of life, a new species of fossils, but contains no plants, and no land or life ever passes from one formation to another. Each period of time is a new world of life, a new leaf in the geological age and history of the globe. Now appears the new world of the chalk period, which is better represented in the Black Hills, or the upper Missouri River than anywhere in North America. Next comes the tertiary period. The Rocky Mountains and Black Hills raised their watery heads from the great ocean basin of the North Sea. The waters began to recede, the dry lands appeared, and the great Missouri River began to wind its devious course from the mountains to the sea. This was the end of water, and the beginning of land in the Northwestern continent. As the great sea bed began to recede, the waters formed into lakes or estuaries. Nearly all the great Indian basins, a fresh water lake, and now forms a great basin of land water, formed by the mountains, leaves and trees of great forests which were dried up and settled in the beds of water drying lakes. This coal is yet new, and is called by the Indians "Horned Coal," because of its

A vast forest once covered all of Dakota, equal to the giant forests of Brazil. Palm is found only within the tropics in the present age of the world, but I have found a palm leaf impression in the Yellowstone, sixty-four inches long. What a wonderful history of the world's ages is here traced in the rocks and valleys of your own territory! The written history of France or Mexico is not half so reliable as the world's manuscripts received impressed in the plains of the Northwest. Think what vast forests must have formed these lignite beds—eight feet of wood forming one of coal.

During that period many extinct species of animals roamed through your territory. The animal kingdom was intermingled—no distinct families. There are eight different species of horse and one small "dog horse," and several kinds of camel. There was one kind of elephant one-third larger than any now living; a large species of mastodon, turtle, sea-horse, etc. Text-books in all our Eastern colleges now contain plates and lessons on the wonderful races of extinct animals that once inhabited your territory. This should be called the Old World instead of the New. Asia and Europe are two geological periods behind our own New World of the West, and while you as citizens of Dakota are residing upon the shores of this ancient ocean, may you succeed in building up a young state that will sparkle in the galaxy of the Union.

Speaking informally, the professor said that his profession called him to visit the abodes of antiquities, to search after the fossilized remains of departed ages. Wherever the field that possessed relics of the ages past, there it was his duty and delight to journey and study his lessons of this world's formation from the book of Nature, indelibly and plainly written by the finger of departed time. Dakota possessed such a field. The Bad Lands and Black Hills of Dakota contained treasures of as great value to the geological student as were possessed by any known region on the habitable globe, and the day would come when the "spectacled antiquarian" of Germany, and students from all portions of Europe, would make an annual pilgrimage to the Bad Lands of Dakota. The professor alluded to the inexhaustible forests of pine in the Black Hills, and said the Big Sheyenne River with its branches provided a reliable channel for the transportation of this timber to the settlements on the Missouri River.

The following sketch was written by another valid authority, and forms a fitting supplement to the valuable address of Doctor Hayden, then recognized as the highest authority in matters pertaining to those regions of the Rocky Mountains which he had explored and studied:

The geological formation of the Black Hills and Bad Lands is a subject that should excite the profound interest of the people of the country, and especially those of Dakota. The Mauvaise Terre or Bad Lands is a name given to a strange belt of country running along the eastern base of the Black Hills, nearly due north to the Yellowstone River. They cover an area of about two hundred miles in length by from fifteen to thirty miles in width, but are not continuous. Peaks of the Black Hills have been ascended to the height of 7,500 feet above the sea level, while the long deep basin of the Bad Lands, at the foot of the hills, is sunken in many places to a depth of 1,000 feet below the level of the surrounding plains. Peaks and castellated towers of every conceivable shape, size and color arise from the bed of the Bad Lands to a level with the adjacent prairie. Coal seams, many feet in thickness, are found shelving from the sides of these elevations, while the great floor of the basin is covered with a light porous soil, composed apparently of a combination of ashes, cinders, and dust. Specimens of petrified lizards, turtles, fern leaves, and the trunks of fallen trees with the stumps of the same, sixteen feet in diameter, standing where they grew, have been found there by General Harney, Lieutenant Warren, General Sully, Professor Hayden, and others.

The adjacent Black Hills, which are covered by pine forests, are composed of the same formations of stratified rocks as are found in the gold bearing gulches of the Wind River Mountains, situated about two hundred miles further west, in which coal oil springs have been discovered where petroleum issues in large quantities from the fissures of the rocks.

The most learned of modern geologists agree in their conclusions that the oil bearing strata of rock are to be found most abundant in the Devonian system of the earth. Some very good authorities claim that they have traced the real source of petroleum or rock oil down deep into the old Silurian systems. The upper and lower Silurian systems are deposited immediately below the Devonian formation, and the great coal deposits are met with in all countries next above the Devonian series.

This system is known in geology as the period in the earth's formation which corresponds with the third day of creation in the Book of Genesis, when the Creator first caused vegetation to appear on the earth, when He said: "Let the earth bring forth grass, the herb yielding seed, and the fruit tree yielding fruit after its kind, whose seed is in itself."

Lecoute, one of the first of modern geologists, says:

It is now universally admitted among geologists that coal is entirely of vegetable origin. The same author states that during the deposition of the Devonian system, and previous to the coal period, there lived none but aquatic animals of low order; but that all things, air and earth, were prepared, by heat and moisture, to produce the subsequent formation of the vegetation of that period. A seam of coal is overlaid by black slate and underlain by fire clay. In the black slate were found the finest impressions of leaves and other tender parts of trees; in the fire clay which underlies the coal seams are found in the greatest abundance the roots of plants, and not unfrequently the stumps of trees with the roots attached precisely as they grew. And what is still more remarkable and significant, trunks of trees are not unfrequently found almost entire, standing erect, with their roots still in the fire clay, their trunks passing through the coal seam, and far into the sandstone, limestone of shale and limestone.

Parties who accompanied the expedition of General Sully in 1864, noted this resemblance of this description of natural coal measures to that of the Bad Lands on the Little Missouri River. It has been asserted by distinguished geologists that the basin of the Bad Lands is the ancient bed of a great coal field, the upper seam of which has been burned out by self-ignited fires, and the same layer underlies all the territory between the Missouri and the Yellowstone. In the early part of the last century the trapper and Indians told of the region of the Bad Lands being on fire, emitting an offensive smoke and the sound of rumbling thunder from the earth. These phenomena were mentioned by Lewis & Clark in 1805, and Hunt and McKenzie in 1811.

Humboldt accounted for this by attributing the cause to an escape of hydrogen from subterranean beds of burning coal. Parker, who crossed that region in 1835, says:

The Thunder Spirits appear to have closed their labors. In passing the Black Hills we heard none of those successive reports resembling the discharge of several pieces of artillery, mentioned by some authors.

Instead of the subterranean thunder and fire reported by the earliest explorers of that region, we find in the journals of later travelers a description of the silent and mysterious ruins of the Bad Lands.

If this theory of the origin of the Mauvaise Terre proves true, it is safe to predict that petroleum springs or Rock Oil, will yet be found in the mountainous quantities at the eastern base of the Black Hills. Here, in the upheaval of this mountain range we shall undoubtedly meet with the oil-bearing rocks of the Devonian and Salurian systems which have been elevated through and above the surrounding coal field that borders immediately upon the base of the mountain. Eminent geologists inform us that the source of the petroleum oils are to be found in the bituminous, Devonian and Salurian limestones. The oil wells of the United States are for the most part sunk in the sandstone which forms the summit of the Devonian series.

The oil wells of Pennsylvania and Ohio are sunk in the Devonian sandstones which are supposed by Doctor Newbergh, to be only reservoirs in which the oil accumulates as it rises through fissures from a deeper source. Geology accounts for the existence of oil springs on the theory that the oil probably rises from the carboniferous (Devonian) limestones, and being lighter than the water which permeates at the same time the porous strata, it rises to the highest portion of the formation, where the petroleum of a considerable area accumulates, and slowly finds its way to the surface through vertical fissures. Professor Allen states that the coal bearing rocks may always be looked for in the vicinity of "hot springs," and that the crude petroleum as it issues in a natural state from oil springs is a dark liquid of an exceedingly strong and disagreeable odor, and nearly resembles the artificial tarry oil.

Captain Bonneville, in 1834, found one of these natural reservoirs of petroleum to the west of the Black Hills, which the Indians called the "Great Red Spring."

It was found at the foot of a sand bluff, where the oil exuded in a stream of the color and consistency of tar, with a strong offensive odor. The Indians used it as an ointment for the galled backs of their horses, and as a balsam for their own pains and aches.

In the same region also are situated the numerous hot springs described by Lewis and Clark, McClellan and others. A similar description was also given in 1811 of the burning mountain of anthracite coal on Powder River, and of the Stinking Springs on the Big Horn, discovered by one of Captain Lewis's hunters in 1806, who gave such an account of its gloomy terrors, its hidden fires, smoking pits, noxious steams, and the all pervading smell of brimstone, that it received the name of "Colter's Hell."

Doctor Hayden, the geologist, who accompanied Lieutenant Warren to the Black Hills, says:

Passing over the granite and azoic rocks, we find that the Potsdam sandstone, or the lowest member of the Silurian period, is quite well developed in the Black Hills. Thus at the junction of the metamorphosed azoic and Silurian rocks gold becomes accessible.

Specimens of gypsum, rock salt and iron pyrites were picked up by some of Harney's troopers when passing along the base of the hills on their journey from Fort Laramie to Old Fort Pierre in 1855.

THE BAD LANDS

Mr. Chas. H. Bates, of Yankton, who had been engaged in surveying the public lands of the territory since 1870, both east and west of the Missouri River, and for the past ten years as allotting agent for the Dakota Indians, in a letter written from an allotting camp in the Bad Lands of Southwestern Dakota, says:

The most noted "Bad Lands" in the United States are located between Pine Ridge Agency and the Black Hills. We are now working in the most rugged part of them, being camped about nine miles south of the noted Sheep Mountain. A good description of their origin, with fine photos, is given in "The Geography, Geology and Biology of South Central South Dakota," by E. C. Perisho. Gratis, from the "U," Vermillion, South Dakota. These Bad Lands start about twenty-five miles north of Pine Ridge Agency and extend all along the Big White River in the northern part of the reservation. Interior and Scenic are located in them. They follow down the south fork of Cheyenne River, and for several miles below the junction of the Belle Fourche. There is an extensive break between these bad lands and the bad lands of the Little Missouri River, in the northwestern part of the state, with considerable breaks of bad lands at the heads of the Moreau and Grand rivers, but the bad lands of the Little Missouri do not develop their grandeur until in North Dakota, and their immensity, both perpendicularly and horizontally, till north of the Northern Pacific Railroad, and from there to the mouth of the Little Missouri, near Fort Berthold. General Sully came up to the edge of these bad lands west of the Killdeer Mountains in 1864, and he described them as appearing like "Hell with the fires out and still smoking."

The smoke was caused from burning lignite beds, and some are still burning, or were when I was there twelve years ago. I have been generally over all this country and assure you a word picture can give you but a faint idea of it.

Evidently the bad lands of the Little Missouri were formed by the burning of lignite beds, followed by erosion by the elements, and the fossils are vegetable. I have stepped a petrified pine stump, standing in place, that was three big steps across, more than ten feet. I measured a lignite bed in the Little Missouri country that showed a perpendicular face of fifty-four feet solid lignite above the water in the creek, and no knowing how much deeper it was. The bad lands along the Big White and Cheyenne rivers appear to be formed entirely by the elements, and it is going on very noticeably. The fossils are mostly marine, and some animal. Judging from some of the fossil bones I am well pleased that the animal does not exist at the present day.

CAPTAIN DAVY'S EXPEDITION

Capt. P. B. Davy, of Blue Earth City, Minn., reached Yankton about the 25th of November, 1867. This gentleman was an experienced frontiersman and explorer, a very intelligent man and brimful of energy and enterprise. In the

season of 1866, he had led an expedition, numbering 400 persons, from Fort Abercrombie, on the Red River of the North, across the Dakota and Montana plains, to the gold fields of Montana, which had been eminently successful, and he had just returned from that journey overland by a more southern route, for the purpose of discovering a shorter and better equipped route than the one he had traversed in 1866. He stated that he had found an excellent route all the way from the gold fields to Yankton, and he had determined to lead a party to the Black Hills during the season of 1868. With this purpose in view he had formed an organization with headquarters at Yankton. These statements and much more were made at a public meeting held in Yankton. M. K. Armstrong had joined the expedition and was made the secretary and general agent. Captain Davy spent the following winter at home and in traveling through Minnesota recruiting for his proposed enterprise having Yankton for his rendezvous and starting point.

Notwithstanding the interdiction by the military arm of the Government, of Byron Smith's expedition, Captain Davy felt secure in having the approbation of that department. The peace commission appointed to select a large reservation for the Sioux Indians, it was claimed, had finally agreed upon the country north of the Big Cheyenne River, leaving the Black Hills outside of that reserve. Everything promised well until about the latter part of April, 1868, when Governor Faulk received a communication from Colonel Stanley of Fort Sully and in command of the Dakota military district, which read as follows:

Headquarters Department of Dakota,
In the Field, Omaha, Neb., April 30th, 1868.

BRIEF MAJ-GEN. D. S. STANLEY,

Colonel Twenty-second Infantry, Commanding District of Southeast Dakota,
Fort Sully, D. T.

General: The brevet major general commanding has received information that an expedition for the exploration and settlement of the Black Hills is being organized at Yankton. The country which it is proposed to explore is unceded Indian territory, and such an expedition therefore if made will be made in violation of law. It is especially important at this time that this territory should be preserved inviolate, as it is the region selected by the Indian Peace Commission for a reservation for the Sioux and other Northern tribes. The brevet major-general commanding, therefore, directs that you prevent the proposed expedition, using force if necessary. Should you find that troops will be needed you will take them from any of the posts in your district at your discretion. It will be desirable to notify at once the originators of the expedition, that they will not be permitted to carry their design into execution.

I remain, General, very respectfully, your obedient servant,

CHESS. H. TOWN,
Adjutant-General.

Official copy respectfully referred to his excellency, Governor Faulk, for his information.

The prohibitive edict from the military authorities was a great disappointment to Captain Davy and about three hundred men who had prepared to go with him, and who had been led to expect the favor of the military branch of the service. Davy, however, took his disappointment philosophically, and evidently was much more concerned for those he had induced to join his expedition, than for his own interest in the enterprise. He had enlisted over three hundred young men, some of whom had given up good positions to join him, others had made business arrangements for a year's absence, and all had purchased teams, arms, ammunition, and suitable clothing, and some their provisions. These parties were very much disappointed, and gave very emphatic vent to their indignation. But there was no appeal from the military authority, and the Black Hills expedition for 1868 was a closed chapter. A portion of Davy's men afterwards took passage by steamboat for Montana. The citizens generally shared the indignation of the miners, and felt that Dakota's interests were being sacrificed to enable the Union Pacific Railroad Company to secure all the benefits accruing from exploring and settling the Northwest. The Union Pacific people had for some time been suspected of hostility to the Missouri River route to Montana; they

wagon roads from their Wyoming towns to Montana and Idaho, and were ready to tap the Black Hills whenever the law would permit. Indignation, however, availed nothing. The prohibitive decree was not modified, and the Black Hills were not explored by Captain Davy, and no further attempt was made to launch an expedition in that direction, by Yankton people, until the interest in the subject was revived by the Custer expedition of 1874.

The edict forbidding the forward movement while temporarily delaying the exploring of the country, served to intensify popular interest in the matter, and aroused a sentiment throughout the nation favorable to the opening of the hills, and at the same time it set afloat innumerable reports regarding the mineral wealth of the country. A sample of these reports which was ingeniously made to fit the situation and give it a creditable coloring, is here related:

A Sioux Indian of the Oglala band was in the hills hunting eagles for their feathers, and afterwards took a large package of the feathers out to Fort Laramie where he traded them with the post trader for ammunition. While at Laramie he reported that on one of his hunting trips he shot a badger near his hole, and on going up found the ground covered with large nuggets of gold which the badger had dug out in making his nest. The Indian filled a small buckskin bag, used as a tobacco pouch, with the nuggets, and started out for Laramie, intending to trade it for some good horses. On his way out he met a small band of Brule Sioux and told them his gold story, which instead of surprising and pleasing them, threw them into a terrible rage. They stripped the Oglala of his gold and his clothes and gave him a severe beating; killed his horse, and told him they would certainly kill him if he told the story of finding the gold. The Indians said the whites would never be allowed to enter the country.

The military authorities, General Sheridan in command, gave out a statement late in August, 1874, that no person would be permitted to visit the Black Hills without permission of the secretary of the interior, who was in charge of all Indian agencies and reservations. The commanding general's statement apparently awakened a keener desire on the part of the public to visit the gold regions, and the interior department found its correspondence greatly increased by the numerous applications made for permission to visit the hills. Probably nine-tenths of the parties seeking a way to that country at the time were taking advantage of the short routes from the Missouri River in Dakota, of which there were at least four, all good practicable routes, with wood and water, by which the eastern slope of the hills could be reached within the distance of one hundred and fifty to two hundred miles. In fact, there were no other practicable routes, these in Dakota having been laid out by the Indian trails, trader's journeys, and scientific exploring expeditions, under authority of the Government, during the fifty years preceding. Along the Missouri River in Dakota being the region where these emigrants rendezvoused, the governor of the territory, Pennington, addressed the secretary of the interior on the subject, and received from that official a reply which stated the whole case, and wound up by virtually declaring that no one had authority to grant the permission asked for, and denying in advance all applications for permission. The official letter follows:

Department of the Interior,
Washington, D. C., Sept. 8, 1874.

Sir: I acknowledge receipt of your letter of the 27th ult., referring to the associations that are forming for the invasion of that part of the territory embracing the Black Hills, notwithstanding existing treaties with the Sioux Indians, and requesting such suggestions for the guidance and benefit of citizens of the territory as may be considered appropriate by the department; and in reply would say that the second article of the treaty between the United States and the different tribes of the Sioux Indians, concluded April 29th, 1868, agrees that the following district of country, to-wit, viz: "Commencing on the east bank of the Missouri River, where the 46th parallel of north latitude crosses the same, thence along low water mark down said river bank to a point opposite where the northern line of the State of Nebraska strikes the river; thence west across said river and along the northern line of Nebraska, to the 104th degree of longitude west from Greenwich; thence north on said meridian to a point where the 46th parallel of north latitude intercepts the same; thence due east along said parallel to the place of beginning; and in addition thereto all existing reservations on the east bank of said river, shall be and the same is set apart for the abso-

lute and undisturbed use and occupation of the Indians herein named, and for such other friendly tribes or individual Indians, as from time to time they may be willing, with the consent of the United States, to admit amongst them; and that the United States now solemnly agrees that no persons, except those herein designated and authorized so to do, and except such officers, agents and employees of the Government as may be authorized to enter upon Indian reservations in the discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon or reside in the territory described in this article, or in such territory as may be added to this reservation for the use of said Indians; and henceforth they do and will relinquish all claims or rights in and to any portion of the United States or territories, except such as is embraced within the limits aforesaid, and except as hereinafter provided."

The foregoing section prescribes who shall be allowed on this territory so set apart for Indians, and expressly states that none others shall be allowed to pass over, settle upon or reside therein. The only power to alter this provision is that which made the treaty, and then it must be done with the consent of the Indians.

What is known as the late exploring expedition of General Custer, was merely a military reconnoissance of the country for the purpose of ascertaining the best location, if in future it should become necessary to establish there a military post.

On the 22d of June last, in a letter to this department, the honorable secretary of war wrote on this subject as follows:

"It is well known to the department that, at various times, settlers in the adjacent country have contemplated an expedition to the Black Hills, and the department has uniformly discountenanced such movements; but it has now almost become a military necessity that accurate knowledge be possessed by the army as to this portion of our territory, and for that purpose only is the present expedition (Custer's) undertaken."

The question of opening up this country to settlement rests with Congress, and until action has been taken by that body, this department has no discretion in the matter, but is required and will endeavor to prevent, any violation of any provisions of the treaty before mentioned. All applications to visit the Black Hills country will be denied.

Very respectfully, your obedient servant,

B. R. COWAN, Acting Secretary.

To Gov. J. L. PENNINGTON, Yankton, Dakota.

In 1874, with the view of discouraging the immediate opening of the hills "treaty or no treaty," as many urged, certain high officials gave out public statements that "nothing yet had been discovered in the Black Hills to warrant the excitement or the claim that gold had been discovered there in paying quantities; that many of the gold stories afloat had been manufactured for selfish purposes; and even in 1875, after Professor Jenney's scientific expedition had reached the hills and began its investigations, the professor's first reports, probably unofficial, were said to have been purposely clouded with skeptical notions about the existence of the yellow metal in paying quantities. But it was too late for the Government to gain anything by taking such a position, for it had in its possession the reports of its unbiased officers, establishing the existence of gold and other valuable resources in the hills country.

Lieutenant Mullen, U. S. A., who with a small expedition explored a portion of the hills country in 1853, reported that he found "gold in such abundance that he was afraid to tell his men for fear that they would desert him." Mullen had been in the California placer mines, and asserted that they were by no means equal to the Black Hills.

From a letter written by Lieut. G. K. Warren, whose explorations in the Northwest were among the most valuable, we quote: "The letter was published in January, 1858:

The rocks that comprise the Black Hills have been upheaved during geological periods long preceding the present, and were probably a continuous mountain to the present time, when what is now the prairie was a vast extensive prairie. The great dead mountains of these hills will be found in the bosom of the Dakota nation. We were the first and only to penetrate this region and alarm them with the dream of something better than they seriously threatened to kill us all for simply coming to look at it. They told us they (all the Dakotas) had a grand council but would not permit any white man to come there any more, they said that if they did they would die, and they had been this council in future they said, "If you would you do with me," the chief said, "if I came to your country and did as I pleased." You have no more right here than I have there." I told them right was in the President, who had sent me. He replied that was the President's word.

should not come. And they made it a condition for not molesting us, that we should make known their feelings to the whites, and to the Yanktons, who if they sold their land should not come there to live.

The secretary of the interior, in his annual report for 1868-69, after a general review of the natural advantages and resources of Dakota, says: "The Black Hills, situated in the southwest part, contain gold, silver, copper and coal. Large forests of pine also exist in this locality adapted to building purposes."

This in a Government document, officially given out five years before the Custer expedition, indicates that the existence of gold in the Black Hills was not then a subject of doubt at Washington.

Yankton was the nearest town to the hills of any importance, and the best and shortest routes lay from that city. A number of old frontiersmen made their residence there, men who were personally familiar with the best natural routes west of the Missouri, leading to the mountain region. These routes were three or four in number—the Niobrara route; the White River; the Bad River via Old Fort Pierre, and the Big Cheyenne, the latter surveyed by Commissioner Brookings in 1865, for which the Government treated for the following year, agreeing to pay the sum of \$25,000 for the road. It is probable that some of the earliest private exploring parties or prospectors who invaded the hills were from Montana, where gold was discovered on the Salmon River as early as 1859, and was soon peopled by an enterprising and adventurous class of prospectors from California. There was little evidence of any considerable body of miners having visited the hills prior to the two or three years before they were formally purchased of the Indians and thrown open.

The agitation of gold in the Black Hills had reached to nearly every portion of the United States, and it was apparent as early as 1872 that a public sentiment was forming throughout the country so widespread and determined that the Government would find it necessary in the interest of peace, to arrange a treaty with the Indian owners for cession of that country. The time had come when the proclamations of civil and military officials were in danger of being disregarded. Expeditions were forming as far east as Massachusetts, of such numerical strength that their leaders felt rather like inviting, instead of avoiding a conflict with the Indians, and the sentiment was outspoken that Government troops would never go so far as to use their weapons upon American citizens who were engaged in exploring and developing the valuable mineral resources of the country—resources that the Indians could not develop, and were valueless in their hands. So acute had the situation become in April, 1872, that Major General Hancock, then commanding the Department of Dakota, issued an important communication to the people of Dakota and the Northwest, which was designed to allay the growing popular feeling by a statement of the situation, and also to engender doubts regarding the existence of paying gold deposits. The general's letter follows: (Since the expedition formed in the '60s, the Sherman-Laramie treaty of 1868 had been made.)

Headquarters Department of Dakota,
St. Paul, Minn., March 26th, 1872.

Letters are being received at these headquarters from various parts of the United States, making inquiries in regard to the reputed gold discoveries in the section of country west of the Missouri River known as the Black Hills of Dakota, and asking if expeditions, presumed to be now in process of organization, will be permitted to penetrate that region.

The section of country referred to is set apart as an Indian reservation, by treaty with the Sioux, and the faith of the Government is understood to be pledged to protect it from the encroachments of, or occupation by, the whites. Accordingly any parties or expeditions which may organize for the purpose of visiting or "prospecting" the region in question, will be engaging in an unlawful enterprise, the consummation of which it will be my duty, under the law and my instructions, to prevent, by the use, if necessary, of the troops at my disposal. In this connection I may mention that I am just in receipt of an official letter from General Stanley, in command, subordinate to me, on the Missouri River, in which he refers incidentally to the Black Hills gold reports, in which he says no gold had been found there.

If you will give publicity in your columns to the statements herein contained, I have no doubt it will be the means of saving many worthy people from incurring needless expense.

I am, sir, very respectfully, your obedient servant,
W. S. HANCOCK, Major-General U. S. A., Commanding.

And about the same time the executive of Dakota Territory put forth a warning proclamation, in words following:

By the Governor of Dakota Territory—A Proclamation.

Information having reached the office of the executive of said territory, through various sources, to the effect that combinations of men have been and are now being made with a view of entering and occupying the region of country known as the "Black Hills of Dakota," which is within the reservation belonging to the Sioux Indians, under the plea that the said Black Hills country has valuable mineral deposits, as well as quantities of timber fit for lumber;

Now, therefore, I, Edwin S. McCook, secretary and acting governor of the Territory of Dakota, by the direction of the President of the United States, through the Hon. Columbus Delano, secretary of the interior, do hereby warn all such unlawful combinations of men, of whatever locality or under whatever plea or excuse operating that any such attempt to violate our treaty stipulations with these Indians, or disturb the peace of the territory by an effort to invade, occupy, or settle upon said reservation will not only be illegal and liable to disturb the peace between the United States and said Indians, but will be disapproved by the Government. And if such efforts are persisted in, the Government will use so much of its civil and military force as may be necessary to remove from this Indian territory all persons who go there in violation of law.

In testimony whereof I have hereunto set my hand and affixed the seal of the territory. Given at my office in the City of Yankton, this 6th day of April, 1874.

EDWIN S. MCCOOK, (S. Secy.),
Secretary and Acting Governor of Dakota Territory.

It was the impression in official circles that a few arrests of these invading parties, showing that the Government was in earnest in its efforts to protect the Black Hills from white invasion, would be all that was necessary to be done to put a quietus on the encroachments upon the forbidden soil. Theretofore the simple edict of the captain in command of the Dakota district had been sufficient to effect the disbandment of well organized expeditions, having the Black Hills as their goal, at Yankton and probably at other points, before any attempt was made to enter upon the forbidden ground, and why would not the same authority be respected at this time? The answer must be found in the invincible determination of that portion of the American people who had set their hearts on going to the Black Hills, and would not be deterred by official proclamation, or the danger, always imminent, of being waylaid and massacred by the hostile Indians, though in the beginning of the invasion, and for several months following, the Indian element of hostility was not apparent, but rather from motives of savage policy, one of encouragement to the invaders.

The soldiers at the frontier military posts knew of the existence of gold in the Black Hills before the Custer expedition. In the year 1872 a band of eighteen enlisted men deserted in a body from Fort Randall, and forming an expedition started for the Black Hills. They were followed and captured, and returned to the post.

There was no sentiment apparent at this period among the supporters, in Dakota, for exploring the hills, in favor of any movement that would bring about a serious conflict with the Government authorities, who, particularly the military, were generally credited with a friendly personal feeling for the movement for opening the gold country; but at the same time they firmly understood would not deter them from performing the duty imposed upon them. It was conceded that the Government could not do less than it was doing to protect the integrity of its treaties, and maintain its honor and authority. The annual report of Lieutenant General Sheridan, commanding at the time the Dakota military district which was included in his department, which report is given in the appendix relating to the inauguration of the Indian war policy, is a confirmation of this.

that the sentiment and influence of the army favored the early opening of the coveted country.

Dakotans can justly claim a preponderant share of whatever credit is due for the final opening of the Eldorado to white settlement. Though all efforts to explore the country were in violation of treaties, yet there will be a common pride felt in the fact that to the enterprising and adventurous spirit of Dakotans is due the earnest agitation of the subject for more than ten years before the country was reclaimed; and this agitation was based on actual knowledge of the natural riches of the country. Expeditions were formed by the early settlers for the purpose of exploring the hills only to be prohibited from their purpose by the authority which all law-abiding American citizens are in duty bound to respect and obey; and finally the people of the territory concluded to change their tactics, and instead of efforts at exploration, which availed nothing, public meetings were held at various points which memorialized Congress and the President, urging the speedy acquisition of the country by treaty. Memorials, which appropriately supplemented the petitions, passed for the same purpose by the Territorial Legislatures, were prepared and adopted by public assemblies, and forwarded to the territorial delegate in Congress. These memorials contained the most reliable information regarding the auriferous deposits of the country, its forestry resources, and its natural wealth generally. This movement by the people was not without its beneficial results, and doubtless hastened the favorable action subsequently taken.

However, the claim was made by the representatives of the Government having charge of such affairs, that the Indians would not listen to any proposition whatever looking to the ceding of country; and adding, in the face of the evidence furnished in the memorials prepared under authority of our popular meetings, that too little was actually known of the resources of the region to justify any haste on the part of the Government. Notwithstanding this negative attitude assurances from high authority were given Dakota's representatives, that as soon as the disposition of troops would permit, a military expedition, under an experienced officer, would be sent to the Black Hills for the purpose of exploring the country. These assurances later found expression in the famous Custer expedition of 1874.

Custer's Seventh Regiment of Cavalry was withdrawn from the Department of Texas in the latter part of the winter of 1872-73, and assigned to duty at Fort Abraham Lincoln, opposite the new Town of Bismarck, on the Missouri River in Dakota. In the spring following (1874), a military expedition was organized composed of the Seventh Cavalry under command of Custer, for the purpose of exploring the Black Hills country.

While the northern Sioux contended that the expedition was in violation of the Sherman treaty, it was unofficially reported that the southern tribes, particularly the Red Cloud people, though their chief had been consulted and had assented to it, and the fact that not the least opposition was manifested by any tribe would support this statement. The treaty of 1868 provided in effect for the exploration of the reservation domain if undertaken by the Government.

CHAPTER LXVIII

GENERAL CUSTER'S EXPEDITION TO THE HILLS

1874

REMARKABLE ENVIRONMENT OF THE BLACK HILLS—GENERAL GEORGE A. CUSTER AT YANKTON—THE SEVENTH CAVALRY IN AN APRIL SNOWSTORM—OVERLAND TO FORT RICE—INDIAN TROUBLES ON THE NORTHERN PACIFIC—FORSYTHE'S TRIP UP THE YELLOWSTONE—CAMPAIGN OF 1873—SHRIDAN RECOMMENDS A BLACK HILLS EXPEDITION—CUSTER TO COMMAND IT IN 1874—EXPEDITION ORGANIZED AT FORT ABRAHAM LINCOLN—CUSTER'S REPORTS IN FULL.

BLACK HILLS SURROUNDED BY CIVILIZED COMMUNITIES

The locality occupied by the Black Hills was a magnetic factor in drawing the intrepid and wealth-seeking Anglo-Saxon to explore it. Never before in the history of our country had a rich gold field covering such an ample area been discovered in the midst of civilized settlements. It had happened that the Black Hills had become surrounded, practically, by an enterprising, aggressive and industrious population before it was generally known that it contained valuable mineral deposits. Custer's expedition in 1874 had been the means of publishing to the world what had before been only an open secret in the settlements bordering it and among the Indians, and many thousand people were simultaneously moved by a kindred impulse to visit them. The auriferous hills were not remote from civilization, but practically surrounded by it. The distance to Harney's Peak from the settlements on the Missouri River was in the neighborhood of two hundred and two hundred and fifty miles. It was no hardship even to those known as "tenderfeet" to make the trip. It was a matter of a week's journey, and but for the Indians and military police, would have been regarded by many who undertook it as a pleasure excursion.

CUSTER AT YANKTON

The Seventh Regiment of United States Cavalry, commanded by Colonel George A. Custer, came into Dakota Territory on the Dakota Southern Railroad from Sioux City to Yankton, and camped at the capital city a number of weeks, preparing for their long march to Fort Rice. The regiment reached the railroad terminus in Dakota on Wednesday, April 9, 1873, all save two companies that had been detached and sent by way of Minnesota around to Fort Lincoln. The camping ground selected was just east of the Rhine Creek fronting the Missouri River, not a mile from the city, and behind it, stretching away for a mile to the highlands, there was a verdant carpet as level as a floor affording a perfect and ample plat for the daily exercises of the troops.

The subordinate officers with the regiment were: Colonel George A. Custer, Joseph G. Filford, Col. A. K. Hart, Col. Wm. Thompson, Maj. E. W. Townsend, Capt. Geo. W. Yates, Capt. Thomas H. French, Capt. Edwin Hale, Capt. John Moylan, Bvt. Lt. Col. T. W. Custer, Capt. Thos. M. McDougall, Capt. James

J. Nowlan, Lieut. Edward S. Godfrey, Lieut. Algernon E. Smith, Lieut. Donald McIntosh, Lieut. Edward G. Mathey, Lieut. James Calhoun, Lieut. Frank M. Gibson, Lieut. William T. Craycroft, Lieut. Charles Braden, Lieut. C. DeRudio, Lieut. Benj. H. Hodgson, Lieut. W. Larned, Lieut. Geo. D. Wallace, Lieut. Charles A. Varnum, Lieut. H. M. Harrington, Captain Nowlan, regimental Q. M., and Lieutenant Calhoun, acting adjutant. The ten companies numbered about eight hundred men with forty laundresses. There were about seven hundred horses and two hundred mules. The regiment had been somewhat scattered through the South, with headquarters at Louisville, Ky., previous to coming to Dakota.

A DAKOTA BLIZZARD

Gen. George Forsythe, of Sheridan's staff was in Yankton at this time awaiting the arrival of the steamer *Far West* which was to take him on an observation trip up the Yellowstone River for the purpose of selecting sites for military posts. He was not connected with the Seventh Cavalry in any capacity.

Custer's regiment had been in camp for nearly a week or until the notorious April blizzard swept down upon the southern half of Dakota. It had been unpleasant and snowing moderately for nearly two days, Sunday and Monday, but changed on Tuesday, the 15th, to a storm of intense blizzardy proportions and continued to rage for about forty hours. It was not dangerously cold, but the wind was terrific and the snow filled the air threatening suffocation and death to any living being exposed to it. Custer's people, including the women, were all at the camp, which had only tents for shelter, except one small log cabin near by. Within three hours after the blizzard began on the 15th the snow had piled up to a depth of two feet and drifts had formed of prodigious size blocking up the roads. It was the heaviest snowfall as well as the latest snowstorm ever known in the territory, and is to this day referred to as the Custer storm. The people in town felt that there must be great suffering in the camp, particularly among the women and children, but the problem was how to relieve them. No animal would face the storm for one minute, there was no track or trail to follow, and the blinding snow made it very difficult to see any object two rods away. But it would never do to let those people suffer and make no effort to rescue them. A rescue party was organized by Hon. Judson LaMoure. The rescuers started out holding a long rope to which was attached a light stage coach on runners and they succeeded in reaching the camp after a two hours struggle, though the distance was not over a mile. But they lost their way a dozen times, and finally found what they were blindly groping for. And just in the nick of time; for many of the women were in a perishable condition, nearly covered with the snow, and hysterically bemoaning their sad fate. Sleighs of some sort were extemporized, the women and children bundled into them, and with the aid of the soldier boys the most remarkable cavalcade that ever entered a Dakota town moved toward Yankton. As soon as the residences were reached in the lower town the suffering people found the "latchstring out," they were taken into a half hundred homes and kindly cared for. Mrs. Custer, and the wives of other officers, were among the rescued, but waited until all the others had been taken, when they were given a sleigh ride such as they had never before "enjoyed," and landed safely at the hotel. Fortunately the temperature had not been severe, and there were no serious frostbites; but the fright and apprehension of perishing, so long entertained, had affected the minds of some of the rescued, who, if the rescue had been much longer delayed, might have lost their reason.

All over the northern states severe storms prevailed, and unseasonably late ones, during this spring of 1873.

The Seventh remained in camp at Yankton until the 12th of May, and afforded new and grand entertainment for the people of the city.

Yankton tendered the grandest reception to the regiment it had ever extended, which was truly appreciated; and the general extended an invitation to the terri-

torial officials and the citizens to visit and inspect his camp and witness a review of the troops. The governor and his staff and the other officials went down to the grounds horseback, in uniform; it was said that these garments had taxed the wardrobes of many of Custer's officers, which was apparent where a lean man had secured a fat man's coat, and vice versa. This occasion was highly enjoyed—for a long time after.

The officers of the regiment held a meeting at Camp Sturgis (as it had been officially named), some time after the snowstorm. General Custer occupied the chair, and Lieut. C. W. Larned was secretary. The proceedings that will most interest Dakotans were the adoption of the following resolutions.

Whereas, The exigencies of the service having called the troops of this command from their late field of duty in the southern states, where for more than two years they have encountered the extreme heat peculiar to the "Sunny South," and having assigned them to duty in the Department of Dakota for intended service in the remote Valley of the Yellowstone, and along the line of the Northern Pacific Railroad; and,

Whereas, Immediately following their arrival in the territory, and before timely warning was received, or due preparation could be made, the troops of this command found themselves in the midst of, and exposed to, the rigors of a snow storm, which in terrible severity, extent, and duration was without parallel, even in this latitude, and so pronounced by the oldest residents in this territory, a storm which imperiled the lives of all who found themselves exposed to its full force, and of such blinding effect as rendered it beyond the ability of either man or beast to brave its power except for a few brief moments; and,

Whereas, In this terrible emergency and when in a condition of comparative helplessness, and when, without assistance, a large proportion of the lives of this command must have been lost by exposure, the citizens of Yankton, acting in concert and harmony with the territorial officers, hastened to the relief of this command, and by extending the hospitality of their homes, the freedom and use of their legislative and other public halls, to the officers and men of the Seventh Cavalry, and by granting the use of their stables, workshops and other buildings, as shelter for their horses, they undoubtedly preserved the lives of a great number belonging to this command, besides saving to the Government the value of the public animals amounting to many thousands of dollars; therefore, be it,

Resolved, That in acknowledgment of the noble generosity, the unbounded and universal hospitality, the unvarying and constantly repeated kindness with which every member of this command was treated by the territorial officers of Dakota and the citizens of Yankton without a single exception; we, the officers of this command, representing not only ourselves, but our wives and sweethearts, and all who are dear to us, and representing also the sentiment which we know is shared by every soldier and member of this command, although feeling that mere words however combined would fall short of expressing the extent of our obligations; yet we desire in this noble manner to convey to the territorial officers of Dakota, and to the citizens of Yankton, our heartfelt and lifelong gratitude for extending the helping hand to us in our hour of need, and rendering us many a comfortable hour, rounded with great peril and privation; and should our duty in the future of this peace and growing territory bring us in armed conflict with the traitorous arms of the frontiersman the barbarous red man—our arms will fall with unhesitating firmness, and we remember that each blow struck is a blow in defense of the homes and firesides in and around which we have been treated with such generous care. Be it also resolved, That the citizens of Yankton and vicinity, seemed to vie with each other in their efforts to defend us from the storm and in sharing the comforts of their homes with us; and while the names of a large number who exerted themselves in our behalf are not at all forgotten, yet there was one whose prompt, efficient and generous assistance from the commencement to the termination of our embarrassment and whose constant and vigorous exertions in his manly and determined efforts to save from suffering all who were exposed to the storm, have indelibly impressed his name upon the memory of every man and member of this command, and to him, Gen. F. S. McCook, secretary of Dakota Territory, we tender our warmest and united thanks. To Messrs. Judson LaMoure, Arthur Linn, J. C. Blanding, H. S. Chapman, L. E. Field, and C. A. Marshall, and to every person who during this unfortunate time escaped us, our grateful acknowledgments for their aid, for their personal labors and exertions in our behalf.

G. A. CHASE.

Brevet Major-General U. S. A., Chairman.

CHAS. W. LARNED.

Lieutenant Seventh Cavalry, Secretary.

A number of the officers were accompanied with their wives, including Mrs. General Custer, Mrs. Hart, Mrs. Yates, Mrs. Gaffney, Mrs. James Callahan, Mrs. Gibson, all of whom were imprisoned by the storm.

The people of Yankton may not have regarded the storm so seriously, but they were not in the same plight as the military people who experienced the terrors and ferocity of the blinding hurricane with its avalanche of snow, almost unprotected; and those who have ever witnessed such a warring of the elements will not be apt to criticize the military people or accuse them of any exaggeration in their formal resolutions. The thought may occur to the reader that this boisterous storm-king, so invincible in its strength and power, foreshadowed the melancholy doom which awaited the gallant, though possibly, imprudent leader, at the Little Big Horn, three years later. Custer had a large part in some of the most important affairs of the Territory of Dakota, and his Black Hills expedition in 1874 opened the way to El Dorado that neither Indian treaties or military proclamations could materially obstruct.

On the 7th of May the Seventh broke camp and started on its journey overland to Fort Rice. The steamboat *Miner* accompanied the regiment, carrying the laundresses as passengers, and the camp equipage and supplies for the troops and animals. The *Miner* kept along with the regiment on the entire trip, laying up at night abreast of the military camp. Mrs. Custer and the wives and families of the other officers were passengers on the *Miner*, and their destination was Fort Rice.

Concerning the purpose of the Government in sending the Seventh Cavalry and a little later ten companies of infantry from the Department of the Platte, six companies of the Eighth Regiment and four of the Ninth to the District of Dakota for service in the field against hostile Indians, the reader should be reminded that in the spring of the year before (1872), the Government organized two expeditions for the protection of the engineers surveying the route for the Northern Pacific Railway west of the Missouri River, against the hostile Indians, who were in large force, and defiant to the extent that they had declared war against the extension of the road west of the Missouri River. The expedition from Dakota was under the command of Gen. D. S. Stanley, of Fort Sully, and colonel of the Twenty-second Infantry, and the expedition from the West under Col. E. M. Baker, major of the Second United States Cavalry, from Fort Ellis, Mont. Baker's command consisted of cavalry, artillery and infantry, and a number of scouts. Stanley started out from Fort Rice with a force of 800 infantry and a battery of Gatling guns. The plan was that the two armies should meet at or near the mouth of Powder River, on the Yellowstone, unite, and proceed to chastise the enemy. Colonel Baker was attacked one morning when within a few day's march of the Powder River rendezvous, by an army of five or six hundred Sioux. His advance guard held the Indians in check until the main body came up, after which the Indians were driven into the woods with considerable loss. The civil engineers whom Baker was protecting concluded that under the circumstances it was not advisable to go further with the survey in face of the rapidly increasing number of the Indians, and the colonel then set out upon his return to Fort Ellis, constantly harassed by the enemy.

General Stanley, upon reaching the mouth of Powder River, delayed a few days to await Colonel Baker's arrival, but failing to hear from him, returned to Fort Rice. The savages claimed a victory because they had defeated the object of the expedition by their attack of Baker, thus preventing the uniting of the forces.

It was about this time, 1872, that the notorious Indian, Sitting Bull, came into prominence as a leader of the turbulent and implacable Sioux, and was able to array, on special occasions, several thousand of his race and nation, in war against the Government. Nothing further was done by the military in 1872, but preparations for a much more formidable expedition to take the field in 1873 were completed, and Custer's regiment was ordered from Texas to take part in it.

One of the principal objects of General Forsythe's trip up the Yellowstone in 1873, was to test the navigability of the river as far up as Powder River, a

distance of 235 miles. The steamboat Key West commanded by Capt. Grant Marsh had been selected for the expedition, which was sent out at the expense of the Government by request of General Sheridan then in command of the Department of the Missouri. The Yellowstone had become the theater of the most important military movements undertaken for a number of years, and it was very essential that it be known whether the Yellowstone channel could be depended upon for the transportation of troops and supplies for the soldiery. The journey was made in May and June. The Key West took on board one hundred soldiers at Fort Buford, in order to be prepared for emergencies. The steamboat was drawing twenty-six inches on leaving Buford. The usual spring rise of the river had not yet occurred which was considered fortunate, the purpose being to get the navigable condition during the season of low water. The boat went through to within two and one-half miles of Powder River in six days; here she encountered Key West Falls and decided not to undertake the ascent over them which might result in serious difficulty. These falls could be largely improved by the removal of some of the rocks in the channel, and would not be a serious obstruction during an ordinary boating stage later in the summer and fall. The return trip was made in five and a half days and the report of the general was so favorable that Sheridan decided that the steamboat should take an important part in the Indian campaigns in the Yellowstone Valley.

Later in the summer of 1873 Gen. George Forsythe, of Sheridan's staff, made a steamboat reconnaissance of the Yellowstone River as far up as the mouth of the Big Horn. He was also authorized to select sites for two military posts which Sheridan had recommended for construction in that country and for which an appropriation was then pending in Congress but failed of becoming a law. Had the posts been built as recommended at that time, it is quite probable that it would have had a favorable influence in preventing the gathering of such large numbers of Indians as were encountered and which overthrew Custer and his men. General Forsythe was an experienced Indian fighter. It was related of him that when a young officer, while in command of a small force of only twenty-eight men, in camp on the Arickaree fork of the Republican River in Colorado, he was surrounded and attacked by 1,000 Indians. Being cut off, he set to work, cut the canteens of his soldiers in two, extemporizing shovels, and with these threw up breastworks, behind which, though seriously wounded, he succeeded in defeating the Indians and rescued his force.

The Indian troubles which were marked by almost continual warfare in the Yellowstone country, extending from 1872 to 1877, having their most tragic culmination in the massacre of the lamented Custer and his men, were not due to the opposition of the Indians to the opening of the Black Hills, but to their inveterate hostility to the extension of the Northern Pacific Railroad west of the Missouri. Their opposition to this enterprise was implacable, and they must have realized that it knelled the doom of their free nomadic life to which they had been born, and to which they clung with a persistency which impelled them to undergo the supreme sacrifice rather than yield the country to the demands of civilization and fate. Sitting Bull himself was another Tecumseh. He was every inch an Indian, and rightly interpreted the destiny of his race in the events that had transpired since he became a man capable of noting the tendency and effect of civilization in the domain so long held by the Indian race, where they had enjoyed unmolested freedom, though at times seriously hampered by privation, by famine, contagion, and the incessant small wars in which Indian was pitted against Indian. The savage life was the only one they knew, and they viewed the change when civilization would force upon them as more to be dreaded than all the ill that were inseparable from their barbarous condition, hence their long and fruitless struggles in the face of continual and certain defeat.

Many of this implacable class among the Sioux were in time killed, or perished from privation and disease and the pursuit of starvation. Sitting Bull fell.

out with stoical firmness to the end, which came to him many years later, after his return to the United States, in a characteristic manner.

The military expedition of 1873, formed for the purpose of affording protection to the surveying parties of the Northern Pacific Railroad, west of Bismarck, was organized by General Terry, commanding the Department of Dakota. Gen. D. S. Stanley, of the Twenty-second Infantry, was placed in command. The expedition rendezvoused at Fort Rice in early June, and was made up of ten companies of the Seventh Cavalry under General Custer; ten companies of infantry from the Eighth and Ninth Regiments, under Lt. Col. L. P. Bradley, of the Ninth; five companies of Stanley's regiment, the Twenty-second; four companies of the Seventeenth Infantry, under Major Crafton, of the Seventeenth; seventy-five scouts; and also ten scouts who were with Stanley the year before; two rodman rifled guns. The expedition was provided with sixty days subsistence, and arrangements had been made for further supplies at a depot to be established on the Yellowstone by General Forsythe, who was then en route by steamer Key West to the Yellowstone to select sites for two military posts. The expedition got away from Fort Rice about June 15th, and very soon thereafter it entered upon an active campaign, which kept the troops employed during the entire summer.

Early in August, General Custer, with Scout Bloody Knife and a squadron of cavalry, were detailed by General Stanley to go ahead and look up the route, and having advanced about two miles from camp, to a point two miles below the mouth of the Big Horn, they halted to wait for the train. Shortly after a large band of Indians appeared and made demonstrations toward the camp as though intending to attack; they were easily driven off, but proved to be a decoy for a large number in the woods in ambush, waiting for the troops whose route would be in their direction. Finding that the ruse had failed, the Indians to the number of 300 boldly advanced on Custer, who had but eighty men, under Captain Moylan, and began firing. They also fired the grass. A serious skirmish took place during which the ammunition of the cavalry gave out but the Indians did not observe this and gave up the fight. Two Indians were killed and three cavalrymen who imprudently ventured too close to the enemy.

Three days later, Custer having been reinforced, was attacked by 800 Indians near a timbered strip. The troops returned the fire, and a battle lasting two hours followed, both parties using the trees as covers. About three hundred of the Indians then crossed the river above and below Custer's camp, and endeavored to gain the bluffs on the river. The cavalry were dismounted and desultory firing lasted for some time, the Indians protected by the ridges and timber. Finally Custer ordered a charge, when the troops mounted and pursued the Indians who fled in great disorder for eight miles. Happily the train with the main body of the escort arrived under Stanley, and joined in the running fight which was quite a battle at times, but the Indians finally disappeared and must have lost a good many of their number. This battle occurred within two miles of the mouth of the Big Horn. Custer and Lieutenant Ketchum had their horses shot under them. Lieutenant Braden was badly wounded in the thigh. Private Tuttle, Custer's orderly, was killed, and twenty of the soldiers wounded. The loss of the Indians, estimated by Custer, was forty killed and wounded. The Indians were all well armed with heavy rifles of the latest pattern, and had an abundance of ammunition. Some were dressed in clothes procured at the Grand River Agency and were supposed to be under the command of Sitting Bull. It was also suspected that they received their arms and ammunition from Fort Peck above on the Missouri River. The expedition was at Ponney's pillar on the 15th of August, and returned to Fort Lincoln in October, where it disbanded.

THE CUSTER EXPEDITION A SHERIDAN SUGGESTION

Gen. Phil Sheridan was in command of the military division of the Missouri in 1874, which included the Department of Dakota, and in his annual report to

the War Department made in October of that year, he wrote as follows concerning the origin of the Custer expedition:

The condition of Indian affairs in the Department of Dakota has been remarkably quiet during the past year. In this department are located a majority of the hostile bands of Sioux Indians, some of them on reservations along the Missouri River, and on the Black River farther north near the boundary of British America, and the rest roam over the valleys of the Big Horn, Yellowstone and Powder rivers, occasionally coming into Rosebud and Spotted Tail's agencies to draw rations and other supplies. With the exception of an occasional dash about Fort Lincoln to steal stock, a raid or two by Minniconjou, and a few lives were lost, and an attack once in a while upon the poor Mandan and Arikara comparative quiet has existed.

The condition of affairs may be owing somewhat to the very limited extent of our frontier in this department, which compels the Indians to seek their plunder and subsistence in the Department of the Platte, where the frontier lines of settlement have probably been much greater extent, and are more exposed than in the Department of Dakota.

In order to control the Indians making the raids toward the south, I had contemplated for two or three years past to establish a military post in the country known as the Black Hills, and in my last annual report recommended the establishment of a large post there so that, holding an interior point in the heart of the Indian country, we could threaten the villages and stock of the Indians if they made raids on our settlements. With this view, I mentioned the subject in the presence of the President, the honorable secretary of the interior, the honorable secretary of war, and the general of the army, last fall and meeting with a favorable response from the secretary of the interior, who has extensive charge of Indian affairs, I set to work to make a reconnaissance of the country about which dreamy stories have been told, especially by Father DeSmet.

I first thought that Fort Laramie, which is not much more than one hundred miles from the Black Hills, would be the best place to start the reconnaissance from, but on leaving Fort Laramie last fall, and again in the winter, I found the condition and temper of the Indians such as would probably provoke hostilities.

I then turned my attention to Fort A. Lincoln, on the Missouri River, at the outlet of the Northern Pacific Railroad, where most of the Seventh Regiment of Cavalry, under command of Lieut.-Col. Geo. A. Custer, were stationed, as the most suitable place to start from, although the distance was three times as great as from Fort Laramie. On leaving Fort Lincoln in the spring of 1874, I found everything favorable, and two or three Indian guides had been secured by General Custer, with whom I had previously communicated, who stated that the route to the Black Hills was practicable. I then returned and secured the necessary authority for the reconnaissance, and directed General Terry to command the expedition and put Colonel Custer in command, whom I thought especially competent for such an undertaking.

The reconnaissance was successful. The country of the Black Hills was found to be much better than was expected, with plenty of good timber and considerable good soil at high altitudes, and abundant supply of water and grass. Some gold was found near Henry's Peak, but of its abundance there is at present no reliable information. Sufficient gold could not be given by an expedition such as that of Colonel Custer, and therefore cannot determine its quantity. The color of gold can be found in our geological reports of the now existing western territories, but often its quantity is confined to the thin veins which make the color. I have for five or six years past learned there were numerous deposits of gold in the country west of the Black Hills, extending as far west as to the Crow Reservation in Montana, and as far south as the Wind River Mountains in Wyoming embracing the valleys of Powder River, Laramie River, the Rosebuds, the Little, Big, Rosebud, and Wind River. It is possible that it may exist in quantities of local or even national importance, and the valleys of some of the plains around the mouth of the Wind River and the Big Horn, are of great agricultural importance, having good soil and the greatest abundance of timber and water.

The country of the Black Hills examined by Colonel Custer, I have no doubt, is of great value for its timber, and it contains some gold, but the results of the Custer reconnaissance were not sufficient to establish its existence in large quantities.

I again recommend the establishment of a large military post there, and the position given in my last report, viz., better control of the Indians.

CUSTER'S BLACK HILLS EXPEDITION.

The official order for the Custer expedition was issued by Brigadier-General Terry, commanding the Dakota military district, July 1, 1874, as follows:

In pursuance of instruction from the SECRETARY OF THE ARMY, I have the honor to inform you, Sir, that an expedition will be organized at Fort Union, New Mexico, for the purpose of reconnoitering the route from that place to the Black Hills, in the Dakota Territory.

and exploring the country south, southeast, and southwest of that point, * * * The expedition will consist of the six companies of the Seventh Cavalry now stationed at Fort Abraham Lincoln, the four companies of the same regiment now stationed at Fort Rice; Company I, Twentieth Infantry; and Company G, Seventeenth Infantry, and such Indian scouts from Forts Abraham Lincoln and Rice as the commander of the expedition shall select. Lieut. Col. George A. Custer, of the Seventh Cavalry, is assigned to the command.

The expedition will start from Fort Abraham Lincoln as soon after the 20th of July as practicable; Lieutenant Colonel Custer will proceed by such route as he may find to be most desirable to Bear Butte, or some point on or near the Belle Fourche, and thence will push his explorations in such direction or directions as in his judgment will enable him to obtain the most information in regard to the character of the country, and the possible routes of communication through it.

Lieutenant Colonel Custer will return to Fort Abraham Lincoln within sixty days from the time of his departure from it. Should, however, any unforeseen obstacle render it necessary or advisable for him to return from any point of his contemplated march, even before the Belle Fourche is reached, he is authorized to do so.

Capt. William Ludlow, chief engineer of the department, will report to Lieutenant Colonel Custer, as engineer officer of the expedition; he will be accompanied by his civil assistant and three enlisted men of the engineer battalion.

The transportation was supplied by fifteen six-mule teams and wagons and two ambulances.

Custer prior to starting out sent word to the Sioux Indians of his intention, but assured them that his mission was one of peace and good will, and he did not wish to be molested or compelled to use force to accomplish the objects of his journey. The distance from Fort Lincoln to the base of the Black Hills was estimated at about three hundred miles.

The Indian scouts accompanying Custer came largely from the Santees whose reservation was in Nebraska, opposite the Town of Springfield, Dak. As the Custer expedition was on the eve of starting out it was discovered that the Indian scouts promised had not been furnished. As they were considered indispensable, and as the Santees were known to be well acquainted with the country, an order for thirty-five scouts was received by telegraph. The men were in line the same day, and as there was no time to be consumed in an overland march, the scout squad was taken to the terminus of the railroad at Yankton, where it arrived at 9 o'clock the same evening. In the meantime Missionary Hinman, at the Santee Agency, who had the affair in charge, had arranged for a special train to Sioux City. They reached St. Paul the next afternoon and Fort Lincoln two days later.

The Custer's expedition as organized, consisted of ten companies of the Seventh Cavalry, five of which were under the immediate command of General Custer, and five under the command of General Forsythe, of General Sheridan's staff; two companies of infantry commanded by Maj. L. H. Sanger; a battery of three Gatling guns and one rodman, commanded by First Lieut. Josiah Chance; a detachment of United States engineers under Colonel Ludlow; and sixty Indian scouts commanded by Lieutenant Wallace.

The staff appointments were Lieutenant Calhoun, acting assistant adjutant general; Capt. A. E. Smith, quartermaster; Asst. Surg. J. W. Williams, chief medical officer, assisted by Acting Assistant Surgeon Allen, of Fort Rice, and Bergen, of Iowa. Col. Fred Grant, aide-de-camp of Sheridan's staff, accompanied as an acting aid. H. N. Ross and William McKay, both practical miners and explorers, were the gold miners of the expedition. Louis Agaard, who intermarried with the Sioux, and who had been in the country thirty years, was the guide and interpreter. Charles Reynolds, a famous scout and hunter, was also a guide.

The expedition got away from Fort Lincoln about the 20th of June. Custer's official communications, three in number, addressed to the head of the military department, at St. Paul, were sent out from his most important camps, the first from Prospect Valley, before reaching the hills. These communications are given herewith in order:

Headquarters Black Hills Expedition.
Prospect Valley, Dakota Territory, July 15, 1874.

Longitude 103 degrees and 40 minutes west. Latitude 45 degrees and 25 minutes north.
To Assistant Adjutant General, Department of Dakota, St. Paul, Minnesota.

Sir: This expedition reached this point yesterday, having marched since leaving Fort Lincoln 227½ miles. We are now 170 miles in a direct line from Fort Lincoln and within 50 miles of the Little Missouri, and within about twelve miles of the Missouri mountains, our bearing from Fort Lincoln being south sixty two degrees west. After we started from Lincoln we marched over a beautiful country. The grazing was excellent and abundant. Wood sufficient for our wants and water in great abundance every where. When we struck the tributaries of Grand River we entered a less desirable portion of the country, nearly all the streams flowing into Grand River being more or less impregnated with alkali, rendering the crossings difficult. We found a plentiful supply of grass, wood and water, however, even along this portion of our route.

Upon leaving the headwaters of Grand River, we ascended the plateau separating the watershed of the Little Missouri from that running into the Missouri, and found a country of surpassing beauty and richness of soil. The pasturage could not be traced, timber was abundant, and water both good and plentiful. As an evidence of the character of the country we have marched since leaving Fort Lincoln on an average over seven miles a day, one day making thirty-two miles; yet our mules and beef cattle have constantly improved in condition, the beef cattle depending entirely upon the excellent grazing we have passed over. The health of my command is something remarkable, not a sick man being on the sick report; everyone seems to be not only in good health, but in excellent spirits. Between the forks of Grand River we discovered a cave to which the Indians attach great importance. The cave extends about four hundred feet under ground, beyond which point it was impracticable to explore it. Its walls and roof are covered with rude carvings and drawings cut into the solid rock, apparently the work of Indians, although probably by a different tribe than either of those now roaming in this region. Near the cave was found a white man's skull, apparently perforated by a bullet. It had been exposed to the atmosphere for several years. As no white man, except those belonging to this expedition, is known to have passed anywhere near this locality, the discovery of the skull was regarded with universal interest. The cave was found to contain numerous articles of Indian equipments which had been thrown into the cave by the Indians as offerings to the Great Spirit. I have named the cave Ludlow's Cave, in honor of the engineer officer of the expedition. Our march thus far has been made without molestation on the part of the Indians. We discovered no signs indicating the recent presence of Indians until day before yesterday, when Captain McDougall, Seventh Cavalry, who was on the flank, discovered a small band of about twenty Indians watching our movements. The Indians scampered off as soon as discovered. Yesterday the same or a similar sized party made its appearance, and was seen by Captain Connelly, rear guard, along our line of march. Soon after several signals of smoke were sent up, which our Indian guards interpreted as conveying information to the main body of our presence and movements. Our Indian guides think differently, however, and believe the Indians mean war. Should this be the case, they will be the party to fire the first shot. Indians have been seen near camp today.

Mr. Grinnell, of Yale College, one of the geologists accompanying the expedition, discovered yesterday an important fossil. It was bone, about four feet long and twelve inches in diameter, and had evidently belonged to an animal larger than an elephant. Beds of bituminous coal, of good quality, have been observed at different points along our route by Frederick Winchell, one of the geologists of the expedition.

I do not know whether I will be able to communicate with you again before the close of the expedition.

G. A. Custer.

Brevet Major General U. S. A., Commanding Expedition.

Custer's second dispatch was transmitted after reaching the hills, and embodies a most entertaining and valuable, though brief description of the country, at the same time bearing testimony to its agricultural and mineral worth.

Headquarters Black Hills Expedition.
Eight and One Half Miles South-east of Dakota Peak, August 1, 1874.
Fort Totten, W. T. A. August 1, 1874.

To Assistant Adjutant General, Department of Dakota, St. Paul, Minnesota.

Sir: My last dispatch was dated July 15, and our march from Prospect Valley, Dakota, longitude 103 degrees and 40 minutes, latitude 45 degrees and 25 minutes north. The Indian scouts left as bearers of the dispatch, and in their departure could be seen by the darkness. After leaving that point the expedition moved in a southerly direction until it reached the Valley of the Little Missouri, which we reached yesterday morning. This valley almost destitute of grass. Along one side of the valley I observed no fewer than 1000 kegs filled, and a supply of wood placed in the valley, and here the valley is a much better camp ground. During our passage on the Valley of the Little Missouri we

entered and were about to leave the Territory of Montana; our course was nearly due south. After a further march of about nine miles we arrived before sundown at a point capable of furnishing us good grazing, and water for our animals, having marched over thirty miles since breaking camp in the morning. From this point to the Valley of the Belle Fourche we found the country generally barren and uninviting, saving a few isolated places. We reached the Belle Fourche on the evening of the 18th of July, encamping where good grass, wood and water were abundant, and at a point a short distance above that marked "15" on Reynolds' map, just west of the line separating Dakota from Wyoming. The following day was spent in camp. On the 20th we crossed the Belle Fourche, and began, as it were, skirmishing with the Black Hills.

We began by feeling our way along the outlying ranges of the hills, seeking a weak point through which we might make our way to the interior. We continued, from the time that we ascended from the Valley of the Belle Fourche, to move through a very superior country, covered with the best of grazing and an abundance of timber, principally pine, poplar and several varieties of oak. As we advanced, the country skirting the Black Hills to the southward became each day more beautiful. On the evening of the 22d we halted and encamped east of and within four miles of the cave, "Inyan Kara." Desiring to ascend that peak the following day, it being the highest on the western range of the Black Hills, I did not move camp the 23d, but taking a small party with me, proceeded to the highest point of this prominent landmark, whose height is given as 6,600 feet. The day was not favorable for obtaining distant views. I decided on the following morning to move due east and attempt the passage of the hills. We experienced considerable delay by fallen timber which lay in our pathway. With this exception, and a very little digging, rendered necessary in descending into a valley, the pioneers prepared the way for the train, and we reached camp by 2 o'clock, having marched eleven miles. We here found grass, water and wood of the very best quality, and in great abundance. On the following day we resumed our march up this valley, which I explored for several miles the preceding evening, and which led us by an easy ascent almost southeast. After marching nearly twelve miles we encamped at an early hour in the same valley. This valley, in one respect, presented a most wonderful as well as beautiful aspect. Its equal I have never seen, and such, too, was the testimony of all who beheld it. In no private or public park have I ever seen such a profuse display of flowers. Every step of our march this day was amid flowers of the most exquisite colors and perfume; so luxuriant in growth were they that the men plucked them without dismounting from the saddle. Some belonged to new or unclassified species. It was a strange sight to glance back at the advancing columns of cavalry, and behold the men with beautiful bouquets in their hands, while the headgear of the horses was decorated with wreaths of flowers fit to crown a Queen of May. Deeming it a most fitting appellation, I named this Floral Valley. General Forsythe, at one of our halting places chosen at random, plucked seventeen beautiful flowers, belonging to different species, and within a space of twenty feet square. The same evening, while sitting at our mess table, one of the officers called attention to the carpet of flowers under our feet, and it was suggested that it be determined how many different flowers could be picked without leaving our seat at the dinner table. Seven beautiful varieties were thus gathered. Professor Donelson, the botanist of the expedition, estimated the number of species in bloom in Floral Valley at fifty, while an equal number of varieties had bloomed or were yet to bloom. The number of trees, shrubs and grasses was estimated at twenty-five, making the total flora of the valley embrace 125 species.

Through this beautiful valley meanders a stream of water so cold as to render ice undesirable even at noonday. The temperature of two of the many springs found flowing into it was taken and ascertained to be 44° and 44½° F. respectively. The next morning, although loath to leave such an enchanting locality, we continued to ascend this valley until gradually, almost imperceptibly, we discovered that we were on the crest of the western ridge of the Black Hills, and instead of being among barren heaths, as might be supposed, we found ourselves winding our way through a little park whose natural beauty may well bear comparison with the loveliest portion of Central Park. Favored as we had been in having Floral Valley for our roadway, to the crest of the Black Hills, we were scarcely less fortunate in the valley which seemed to rise to meet us on the interior slope. A running stream of clear, cool water, the counterpart of that we had ascended the day before, flowed at our feet and pointed out the way before us, while along the banks grew beautiful flowers, surpassed but little in beauty and profusion by their sisters who had greeted us the day before. After advancing down this valley about fourteen miles, our course being almost southeast, we encamped in the midst of grazing whose only fault, if any, was its great luxuriance. Having preceded the main column, as usual, with an escort of two companies of cavalry, K and C, and Lieutenant Wallace's detachment of scouts, I came upon an Indian camp fire still burning, and which, with other indications, showed that a small party of Indians had encamped there the previous night, and had evidently left that morning in ignorance of our close proximity. Believing that they would not move far, and that a collision might take place at any time unless a friendly understanding was arrived at, I sent my head scout, Bloody Knife, and twenty of his braves, to advance a few miles and reconnoitre the valley. This party had been gone but a few minutes when two of Bloody Knife's young men came galloping back and informed me that they had discovered the

Indian lodges a few miles down the valley, and that Bloody Knife, as directed, had concealed his party in a wooded ravine, where they awaited further orders. Taking a company with me, which was afterwards reinforced by the remainder of the scouts and Colonel Hart's company, I proceeded to the ravine where Bloody Knife and his comrades lay concealed, and from the crest beyond obtained a full view of the five Indian lodges, about which a considerable number of ponies were grazing. I was able to place my men so close and still nearer to the lodges undiscovered. I then dispatched a guard, the interpreter, with a flag of truce, accompanied by two of our Sioux scouts, to acquaint the occupants of the lodges that we were friendly disposed and desired to communicate with them. To prevent either treachery or flight on their part, I galloped the remaining portion of my advance and surrounded their lodges. This was accomplished almost before they were aware of our presence. I then entered the little village and shook hands with the occupants, assuring them, through the interpreter, that they had no cause to fear, as we were not there to molest them. I invited them to visit our camp, and promised presents of flour, sugar and coffee to all who would accept. This invitation was accepted. At the same time I entered into an agreement with their leading men that they should encamp with us a few days, and give us such information concerning the country as we might desire, in return for which service I was to reward them with rations. With this understanding I left them. The entire party numbered twenty seven. Later in the afternoon four of the men, including the chief, One Stab, visited our camp and desired the promised rations, saying that the entire party would move up and join us the following morning as agreed upon. I ordered presents of sugar, coffee and bacon to be given them, and to relieve them of their pretended anxiety for the safety of their village during the night, I ordered a party of fifteen of my command to return with them and protect them during the night; but from their great disinclination to wait a few minutes till the party could saddle up, and from the fact that two of the former had already slipped away, I was of the opinion that they were not acting in good faith. In this I was confirmed when the two remaining ones set off at a gallop in the direction of their village. I sent a party of our scouts to overtake them, and request them to return. Not complying with this request, I sent a second party with orders to repeat the request, and if not complied with then to take hold of the bridles of their ponies and lead them back, but to offer no violence. When overtaken by our scouts, one of the two Indians seized the musket of one of the scouts and endeavored to wrest it from him; failing in this, he released his hold, after the scout became dismounted in the struggle, and rode off as fast as his pony could carry him, but not before the musket of the scout was discharged. From blood discovered afterward it was evident that either the Indian or his pony was wounded. I hoped that neither was seriously hurt, although the Indians have their own bad faith as the sole ground of the collision. One Stab, the chief, was brought back to camp. The scouts galloped down the valley to the site of the village when it was discovered that the entire party had packed up the lodges and fled, and the visit of the four Indians to our camp was not only to obtain the rations promised them in return for future service, but to cover the flight of the lodges. I have effected arrangements by which the chief, One Stab, will be with us as a guide three days longer, when he will take his departure and return to his band. He claims to belong to both Red Cloud's and Spotted Tail's agencies, but has been to neither for a long time. He has recently returned from the hostile group on Powder River, and represents that the Indians lost ten killed in their fight with the Bismarck exploring party.

The creek which led us down into the interior of the Black Hills is bordered by high bluffs, on the crests of which are located prominent walls of solid rock, presenting here and there the appearance of castles constructed of masonry. From this unusual resemblance I have named this stream "Castle Creek." The direction of Castle Creek having commenced to lead us more to the northeast than we were prepared to go, and the valley having become narrow and broken, I left this water course and ascended the valley of a small tributary, which again gave us a southeasterly course. After a march of fourteen miles we encamped on a small creek furnishing us an abundance of water and grass. The direction of this creek was nearly east. On the 30th I moved in continuation of our previous course, and through a fine open country covered with excellent grazing. After a march of over ten miles we encamped early in the day about five miles from the base of Hart's Peak, finding water, grass and wood abundant, with springs of clear cool water running through camp. On the following day the command moved to camp about the middle of the parties sent out in all directions. With a small party I ascended to Hart's Peak, and after great difficulty made the ascent to its crest. We found that the view from the summit of the Black Hills. From the highest point we looked down on Fort Pierre on the southern part of the plains, to the east far beyond the Colorado River, and north and west to our camp till near 1 o'clock that night, but we were unable to stand for the glare to the prominence of the views obtained. While on the summit we met an old Indian, a brave veteran after whom the peak was named. On the previous morning we had ridden some miles simply to obtain fresh grass, still keeping the trail of the Bismarck exploring party. This morning I dispatched two companies under Colonel Hart and myself to extend our explorations of the south fork of the Yellowstone River. Tomorrow morning at 5 o'clock I will set out with the command, and follow the trail of the Bismarck exploring stream in a southwesterly direction from Hart's Peak, following the trail of the

carry this dispatch to Fort Laramie, will go with us as far as we go in that direction, when he sets out alone to reach his destination, traveling mainly by night.

The country through which we have passed since leaving the Belle Fourche River has been generally open and extremely fertile. The main portion, or that passed over since entering the unexplored portion of the Black Hills, consists of beautiful parks and valleys through which flows a stream of clear, cold water, while bounding these parks or valleys there are invariably found unlimited supplies of timber, much of it being capable of being made into good lumber. In no portion of the United States, not excepting the famous Blue Grass region of Kentucky, have I ever seen grazing superior to that found growing in this hitherto unknown region. I know of no portion of our country where Nature has done so much to prepare homes for the husbandmen, and left so little for the latter to do as here. In the open and timbered spaces a partly prepared farm of almost any dimensions, of an acre and upward, can be found here. Not only is the land, cleared and timbered, both for fuel and building, conveniently located, with streams of pure water flowing through its length and breadth, but Nature oftentimes seems to have gone further and placed beautiful shrubbery and evergreens in the most desirable locations for building sites. While on Harney's Peak I could contrast the bright green verdure of these lovely parks with the sun-burned and dry yellow herbage to be seen on the outer plains. Everything indicates abundance of moisture within the space enclosed by the Black Hills.

The soil is that of a rich garden, and composed of a dark mold of exceedingly fine grain. We have found the country in many places covered with wild raspberries, both the black and red varieties. Yesterday and today we feasted on the latter. It is no unusual sight to see hundreds of soldiers gathering wild berries. Nowhere in the States have I tasted raspberries of equal flavor to those found growing wild here, nor have I ever seen them as large or in as great profusion. Wild strawberries, wild currants, gooseberries and wild cherries are also found in great profusion and of exceedingly pure quality. Cattle would winter in these valleys without other food or shelter than that to be obtained from running at large. As there are scientists accompanying the expedition, who are examining into the mineral resources of this region, the result of whose researches will accompany my detailed report, I omit all present reference to that portion of our explorations until the return of the expedition, except to state what will appear in any event in the public prints, that gold has been found in several places; and it is believed by those who are giving special attention to this subject, that it will be found in paying quantities. I have upon my table forty or fifty small particles of pure gold, in size averaging a small pin-head, and most of it obtained today from one pan full of earth. As we have never remained in our camp more than one day, it will be readily understood that there is no opportunity to make a satisfactory examination in regard to deposits of valuable minerals. Veins of lead and strong indications of silver have been found. Until further examination is made regarding the richness of the gold, no opinion should be formed. Veins of what the geologists call gold-bearing quartz crop out on almost every hillside. All existing geological or geographical maps of this section have been found incorrect. This will not seem surprising when it is remembered that both have been compiled by guess-work and without entering the country intended to be represented. The health of the command continues excellent. I will begin my northward march in four days from this date. I do not expect to arrive at Fort Lincoln until the 31st of August.

G. A. CUSTER,

Brevet Major General, Commanding Expedition.

Postscript.—10.30 P. M., August 3d.—I left our main camp at Harney's Peak at 6 o'clock this morning, with five companies of cavalry, and after a march in a southerly direction for forty-five miles, reached the south fork of the Cheyenne River at the mouth of a creek flowing from the north and emptying into the Cheyenne midway between the mouths of Hot and Horsehead creeks. From this point Reynolds, the scout, sets out, in one hour, with this dispatch for Fort Laramie. I reached here at 9 P. M., and will proceed to Harney's Peak by a different route tomorrow morning. The country between here and Harney's Peak is generally open and rolling, and excepting the southeastern portion, covered with excellent grass.

G. A. CUSTER,

Brevet Major General, Commanding.

The third dispatch gives further testimony regarding the valuable natural resources of the hills country, and tells of his return journey. The third communication follows:

Headquarters Black Hills Expedition.
Bear Butte, D. T., via Bismarck, August 15th.

To Assistant Adjutant General, Department of Dakota, St. Paul, Minnesota.

My last dispatch was written on the 2d and 3d instant, and sent from the south fork of the Cheyenne, from a point on the latter nearest to Fort Laramie.

On the morning of the 4th instant I began my return march to our main camp, near Har-

ney's Peak, arriving there by a different route on the 6th. On the morning of the 7th the expedition began its march northward, Bear Butte being our next objective point. We advanced without serious obstacle until within ten or twelve miles of Bear Butte, when we found our further progress barred by a high range of impassable hills. We attempted to effect a passage through some one of the many valleys whose water courses ran directly through the hills in the desired direction, but in every instance we were led into deep broken cañons impassable even for horsemen. Through one of these I made my way on foot, and from a high point near its mouth obtained a view of the plains outside. Retracing my steps, I placed the command in camp in a fine valley, in which it had halted, and devoted the remainder of the day to a further search for a practicable route through the hills. The result decided me to follow down a water course which led us first toward the south and afterwards toward the east. This stream proved to be Elk Creek, the valley of which, as well as the stream itself, proving at least equal in beauty and extent to any valley through during our march. We camped twice on this stream, and as far as we proceeded on its course, we had a most excellent road; but finding that like nearly all other streams leaving the hills, its course would take us into a cañon which could be made barely practicable for our wagons, I searched for and discovered a narrow gap in the rocky wall which forms the northern boundary of the valley, and which was conveniently large enough to allow our wagons to pass through. A march of an hour up a gradual ascent and through a pine forest brought us to a beautiful park containing thousands of acres and from which we obtained a fine view in the distance of our old acquaintance, the plains. Here we pitched our tents for the last time in the Black Hills. Nearly everyone being loath to leave a region which had been found so delightful in every respect. Behind us the trees and bushes were clothed in green of the freshness of May. In front of us, as we cast our eyes over the plains below, we saw nothing but a comparatively dried surface, the sunburnt pasturage of which offered a most uninviting prospect both to horse and rider, when remembering the rich abundance we were leaving behind us. A march of twenty-six miles, gradually bearing northward, brought us to the base of Bear Butte, at which point I concluded to remain one day before beginning our return march.

I propose to return by a different, although not perhaps a shorter route, than that adopted in coming to the Black Hills. I am induced to make this change in order to cover a larger extent of unexplored country within the limits of our explorations, and particularly to enable us to locate as much as possible of that portion of the Little Missouri of which nothing is now known. I expect the expedition to reach Fort Lincoln on the 11th of August. The health of the command has been, and is, most excellent.

This expedition entered the Black Hills from the west side, penetrated through the eastern and most southern ranges, explored the major portion of the interior and passed out the most eastern ranges which form the boundary of the Black Hills. From the fact that in all our principal marches through the Black Hills we have taken without serious obstacle a train of over one hundred heavily laden wagons, it may be inferred that the Black Hills do not constitute the impenetrable region heretofore represented. In entering the Black Hills from any direction, the most serious if not the only difficulty was encountered at once near the outward base. This probably accounts for the manner in which we have so long existed regarding the character of the interior. I feel sure previous expeditions contented themselves with marching around the exterior base, and from the forbidding aspect of the hills, as viewed from a distance, inferred that an advance toward the interior would only encounter increasing obstacles.

In regard to the character of the country enclosed by the Black Hills, I can only repeat what I have stated in previous dispatches. No portion of the Interior seems so fertile as a richer or better pasturage, purer water, the natural temperature of which is moderate, as it flows from the earth is but 12° F above the freezing point, and of extreme advantages generally to the farmer or stock raiser than are to be found in the Black Hills. Building stone of the best quality is to be found in considerable quantities. Wood, fuel, and lumber sufficient for all time to come. Plains are frequent, with no portion of the country of either drouth or freshets. The season pastures is so short and the earth too cool for corn, but I believe all other grain could be produced here in considerable abundance. Wheat would particularly yield largely.

There is no doubt of the existence of various minerals throughout the hills, as the subject has received the special attention of experts who accompanied the expedition and will be reported upon in detail. I will only mention the fact that iron and platinum have been found and beds of gypsum of apparently inexhaustible extent.

I referred in a former dispatch to the discovery of gold. Subsequent examinations in various points confirm and strengthen the fact of the existence of gold in the Black Hills. On some of the water courses almost every point of view is covered with gold-bearing paying quantities. Our brief halts and rapid marching prevented searching for a very minute examination of the country in this respect, but beyond all doubt, and the only one within my knowledge, where so great a depth was reached, a rich and valuable gold mine exists. The miners report that they found gold among the rocks of the granite, and from the base to the lowest point reached gold was found in paying quantities. It has not been so easy to find gold in the Black Hills, as some persons have supposed, as it was in California, where it was discovered it at an expense of but little time and labor. An examination of the gold mine

turage to be found in this region, I can state the fact that my beef herd, after marching upwards of six hundred miles, is in better condition than when I started, being now as fat as is consistent with marching conditions. The same may be said of the mules of the wagon train. The horses of the command are in good working condition. I have never seen as many deer as in the Black Hills; elk and bear have also been killed. We have had no collision with hostile Indians.

G. A. CUSTER,

Brevet Major General, U. S. A., Commanding Expedition.

CHAPTER LXIX

THE ARMY VAINLY OPPOSES RUSH TO THE BLACK HILLS

1875

CUSTER'S REPORTS AWAKEN WIDESPREAD INTEREST—A STATEMENT FROM THE INTERIOR DEPARTMENT—THE GOVERNMENT AUTHORITIES INCLINE TO FAVOR FOR THE HILLS COUNTRY—THE INDIANS WILLING BUT WANT MANY MILLIONS—FIRST WHITE INVADERS START FROM SPOON CITY IN 1874—IN 1875 THE RUSH OVERFLOWS ALL IMPEDIMENTS—DAKOTANS HOLD A BLACK HILLS MEETING—INDIAN DELEGATIONS CALLED TO WASHINGTON—PRESIDENT GRANT TALKS TO THE SIOUX—EFFORTS TO AGREE UPON A TREATY FUTILE—DAKOTANS SUBMIT A STATEMENT COVERING THE INTERESTS OF THE PUBLIC—SPOTTED TAIL AND OTHERS SUBMIT THEIR VIEWS—RIGHT REVEREND BISHOP HARE WRITES A LETTER.

Custer's expedition and the official reports of the general, together with those of the scientific gentlemen who accompanied him, confirmed all former reports of the auriferous character of the country, and furnished much more of a valuable nature, that made the acquisition of the country appear more desirable than had been the case previous to his expedition. The information obtained from his observations and practical investigations was relied upon as authentic, and its effect was to arouse a popular desire, manifold more ardent and aggressive than heretofore, to possess the country. It was the first discovery of an extensive gold field in the United States in such proximity to the settled portions of the country and easy of access. No obstacles were in the way of its occupation except its Indian ownership, and up to this time these proprietors of the land had held it as sacred soil, priceless, and the Government had promised by its treaties to protect them in such ownership though they occupied but a small portion of it and then only temporarily and occasionally.

The discovery of gold gave California a population of about a quarter million in two years time; and a like discovery led the rapid settling up of Colorado and Montana. The Montana prospectors spread abroad through the mountainous portions of that territory, and were conjecturally among the first to venture clandestinely to the Black Hills. It did not need Custer's expedition to settle the fact of the existence of gold in paying quantities in the minds of the people of the then frontier of Dakota, Wyoming, and Montana, for it was through them and their influence and agitation that the Government took up the matter of securing the country for white occupation.

The Indians held title to the country but its material resources were of little value to them, and useless to the world, while the Indians held it. They knew nothing of mining, all they knew was the fact that the hills were a gold-bearing country and were coveted by the whites for that reason. They knew that gold was among the most valuable commodities, at least so generally considered, and they had concluded that the Black Hills were worth an immense amount of money—millions, tens of millions—scores of millions, at the same time knowing well of the amount expressed by the term millions.

The Government had made a treaty consisting in reality and effect the Indian possessory occupation of the hills region, and made the treaty region

tionably in good faith, but in this instance it would seem that it had counted without its host; and the only just remedy for the situation was a further agreement with the Indians for the relinquishment of their title to the country.

This was then the situation shortly following the return of Custer and the preliminaries for the accomplishment of this purpose were planned and set to work. The Government having quietly concluded that a cession of the hills country was demanded in the interest of the public welfare, it proceeded to the execution of its plan, which is revealed in pages following.

The bureau of Indian affairs, which at that time was under the direction of Edward P. Smith, commissioner, issued a circular to the various Indian agents in Dakota in April, 1875, as one of the early steps to acquaint the Indians with their absolute dependence on the Government for their material support and indicating a stricter enforcement of existing treaty stipulations. The following gives the text of the circular:

Department of the Interior,
Office of Indian Affairs,
Washington, D. C., April 13, 1875.

Sir: It is the settled policy of the Government to induce the Indians to recognize, in a practical way, at the earliest day possible, the inevitable necessities which are upon them to abandon their nomadic habits and enter upon some calling by which they may eventually become self-supporting.

To this end Congress has incorporated a clause in the act making appropriations for the Indian service for the present fiscal year, which requires "all able-bodied male Indians between the ages of eighteen and forty-five to perform service upon the reservation for the benefit of themselves or of the tribe, at a reasonable rate, to be fixed by the agent in charge, and to an amount equal in value to the supplies to be delivered."

By the treaty of April 19, 1868, the Government stipulated to provide each Indian over four years of age, who should remove to the reservation, with meat and flour for the term of four years after removal. That provision has now expired. Therefore, whatever supplies may hereafter be furnished these Indians by the Government will be in the form of a gratuity, and the Government assumes the right and recognizes the duty to so manage this gratuity as to make the most of it in the way of civilization and material benefit for the Indians.

So far as practicable, therefore, you will be expected to bring the Indians under your charge into conformity with the requirements of the law above referred to. There is mingled with the different bands of the Sioux a class of persons to whom this law has special application. These are mixed-bloods and white men who, being married to Indian women at the time of the treaty of 1868, were thereby incorporated into the tribe, and those, if any, who have subsequently been adopted by the tribe with the consent of the United States Government. Of this latter class, namely, the whites who have intermarried, the first requirement will be that the parties claiming to be married, shall go before a clergyman, or priest, or Indian agent, and make acknowledgment of such marriage, unless such parties have heretofore been formally married and be able to produce a certificate to that effect, and such acknowledgment or certificate must be a matter of agency record.

All able-bodied males, belonging to this class as well as mixed-bloods, must make returns in labor for any favors received from the Government by way of supplies or clothing; and you will therefore notify them, fixing the day upon which this order will go into effect, in any event not later than June 1st, that hereafter there will be no free issue of rations or goods to themselves or families, and that you will open an account with each person or head of a family, to whom you will issue rations and goods only in payment of labor, and also only to the extent of their pro rata share.

They should be encouraged to select land and erect upon it a home and expend in farming, fencing and other improvements such labor as they may be able to perform. If instead of this, or in addition to this, they shall desire to perform labor for the benefit of the agency or of the tribe, the same kind of credit shall be allowed them.

You will notify all your Indians of the change in their claims upon the Government for supplies, by this expiration of the treaty stipulation, and that before long they will all of them be brought to the same requirement as is now laid upon the white men and half-breeds among them, and that therefore they will find it greatly to their interest to be undertaking in every possible way such efforts as will secure for themselves a home and land for cultivation.

Very respectfully, your obedient servant,

EDW. P. SMITH,
Commissioner.

The authorities had reached the conclusion that the country must be obtained and thrown open to the whites. The only question was as to the best method



JOHN BRENNAN

One of the founders of Rapid City,
Black Hills, 1877



JOHN H. BENSON

One of the founders of Rapid City,
Black Hills, 1877

for securing the peaceable assent of the Indian owners. It was deemed essential that the Government should know the disposition of the Indians regarding a sale of the property; and in order to ascertain their sentiment, the Indian agents at the Red Cloud and Spotted Tail agencies, in the southern part of the territory, were instructed to canvass the subject with their people, who were more directly interested in the matter than the other Sioux tribes.

The result of the inquiry indicated a willingness to consider a proposition from the Government; but the Indians had observed so much of the determined efforts of the whites to get into the country regardless of any agreements, and they had also been informed of many recent gold discoveries by these adventurers, fabulous amounts of gold that had been taken out, all of course greatly magnified, that they were disposed to largely exaggerate the value of the country; so that Spotted Tail himself with all his influential counselors had concluded to demand many millions for the property; but just how many they had not determined, evidently feeling that they would set the price too low, and having but a vague comprehension of the meaning of the word "million." Mingled with the Indians were a number of white men, who are referred to in Commissioner Smith's letter, who had married Indian women, and who, working somewhat secretly, urged the Indians to sell and to demand a large cash payment—the latter being made of the first consideration. This effort of the agents at Red Cloud and Spotted Tail agencies led to a grand council of the Indians of all the Sioux tribes for the purpose of considering a sale of the hills. None but Indians were admitted to the council which had been convened by a committee of Indians appointed for that purpose. At this council, after listening to the remarks of every Indian who wished to express himself, it was resolved to make a treaty with the Government for the peaceable relinquishment of the hills in return for a few or many millions of money, and also of assurances of abundant rations and clothing for an indefinite time, but long enough to cover the lifetime of the Indians then living, old and young.

It was therefore plain that nothing stood in the way of a purchase of the hills but an agreement as to the price; the amount to be paid in cash, and the further amount required for clothing and provisions.

THE SIOUX CITY INVADERS

Although the Government had made known its determination to protect the hills country from invasion by whites until it could be lawfully opened to settlement; and after Custer's expedition in 1874, had established military camps and patrols at various points on the Indian reservation for the purpose of intercepting all invading parties, a few bold adventurers managed to elude the vigilance of the military in the fall of 1874 and the following winter. The first party to undertake a journey was organized at Sioux City, in September immediately after Custer's return to Fort Abraham Lincoln, and while the tidings of great gold discoveries, exaggerated a thousand fold, more or less, were floating over the country and stared at the reader of metropolitan papers in bold headlines. As related by Mrs. Annie D. Tallent, in her excellent and reliable volume entitled "The Black Hills, or Last Hunting Grounds of Dakotans," published in 1892, this expedition appears to have been an outgrowth of a much more formidable expedition partly organized under the leadership, associated with others, of Charles Collins, then a famous newspaper publisher at Sioux City, which organization was forbidden from entering the Black Hills or of trespassing upon the territory of the Sioux Nation under pain of arrest and forfeiture of property. As Collins and the other leaders were thereafter closely watched by the Government, it became necessary for the party of which Mrs. Tallent was a member, and whose adventures she so charmingly and vividly describes to observe the utmost secrecy in their preparations and departure. This expedition started from Covington, Mo., on the 10th of Sioux City on the 6th of October, 1874, and kept to the Selkirk route. It was

known as the Gordon-Witcher party at the time, though Mrs. Tallent states that its leader at the start and for some time after was Mr. Thomas H. Russell, Gordon and Witcher being selected as leaders after the party had reached beyond the settlements, Gordon especially being better acquainted with the country than any of the others. It passed through the settlements as an ordinary emigrant train bound for the O'Niell settlement in Nebraska, and did not throw off its assumed purpose as long as the habitations of the pale faces were in the van of their line of march. This concealment of the real purpose was deemed necessary to escape the vigilance of the United States troops who were on the lookout for parties who might surreptitiously endeavor to reach the Black Hills. The names of those composing this party, as given by Mrs. Tallent were: Capt. Thomas Russell, Lyman Lamb, Eph. Witcher, Angus McDonald, B. B. Logan, Dan McDonald, Red Dan or Black Dan McDonald (there were two of the same name and they were distinguished by the color of the shirt they wore), James Dempster, James Powers, J. J. Williams, Thomas Quiner, John Gordon, J. W. Brockett, Newton Warren, H. Bishop, Chas. Long, Chas. Cordiero, Moses Aarons, R. R. Whitney, Harry Cooper, David Akin, John Boyle, Chas. Blackwell, Thos. McLaren, Henry Thomas, D. G. Tallent, Annie D. Tallent and Robert E. Tallent, a son then nine years of age. There were twenty-eight in all. This party went in during the forepart of its journey on what was mistakenly called the Niobrara route. Their route was chosen for the purpose of avoiding observation. They did not strike the Niobrara for two or three weeks after starting, and they crossed that river above the Keha Paha, and thereafter moved over on to the Sioux reservation, and appear to have been governed in their future selection of a route, by their desire to avoid the troops and the Indians. This they were enabled to do, meeting with no Indians until they crossed the south fork of the Cheyenne, and this interruption only cost them a liberal donation of provision and tobacco, the Indians being friendly Cheyennes. The party reached French Creek, Black Hills, two or three miles from Custer's abandoned camp, on December 23d, having been two months and three weeks on the way. Much of the route they traveled was covered by deep snows, at times the weather was dangerously cold, and altogether the journey had been quite arduous and marked by much privation and suffering, though their equipment was all that experience and a liberal expenditure could provide. The motive power of the train was sturdy oxen, young, hardy and capable of great endurance, but they reached the hills sadly bereft of their youthful appearance and shorn of their strength. One member of the party died en route. The first industry that engaged the attention of the party of this first white settlement in the Black Hills, was the building of an ample stockade of upright pinelogs, sixteen feet high, and within the enclosure seven comfortable log cabins. This stockade and the cabins became quite famous the following and subsequent years when the whites poured into the country.

John Gordon and Eph. Witcher left the party on French Creek during February, 1875, and performed a perilous journey through to the Missouri River, reaching Yankton, March 10th, with two saddle horses and one pack animal, where they gave out the intelligence of their successful trip to the Black Hills, what their party had done in the mines, hindered by frozen ground, and the improvements they had made. They exhibited considerable placer gold as proof of the richness of the diggings. They were twenty-five days coming out, taking a circuitous route and wading through deep snows to avoid the Indians. Their party had built Fort Defiance in Custer's Gulch, and had worked at prospecting whenever the weather permitted. The winter had been quite favorable for prospecting. Their gold was in nuggets and dust, with which they designed to purchase supplies, and at the same time recruit a large party in order that their settlement might the better be protected from Indian raids, which were looked for during the ensuing spring and summer. They succeeded in obtaining a year's outfit of supplies, a transportation train, and a large company of recruits, and were well on their way to their destination when they were overhauled by a com-

pany of United States troops, their train confiscated and partially destroyed, and the men marched back to Fort Randall. Gordon escaped, but was afterwards taken. The particulars of this arrest are related in subsequent pages.

It was not until 1875 that this lawlessness, so-called, became infectious and the reservation was overrun with invaders. A line of stages was put on from Cheyenne, on the Union Pacific to some point in the Black Hills in 1875, and it was openly charged during the summer that this Cheyenne route, though longer and much less desirable than the Missouri River routes, but being a Union Pacific feeder was virtually protected by the authorities.

There was no formal announcement of a modification in the rigid policy of the Government to keep the whites out of the gold fields, but it was discovered, during the fall of 1875, that the vigilance of the military had been relaxed, particularly as to parties moving in from the Union Pacific towns. So apparent had this become that the leading newspapers of Omaha called attention to it as an inducement to parties desiring to enter the hills, to rendezvous either at Laramie or Cheyenne, move quietly forward and they would not be interfered with by the military. A month or so later the same indifference was observed on the routes leading west from the Missouri River in Dakota, though an occasional arrest was made in a perfunctory way that the Indians might see that the Government was doing its utmost to keep the whites away. The Indians, however, had seemed, from the beginning of the invasion, more indifferent about the white emigration than the Government, and no Indian opposition had been met with up to this time and for nearly a year later. The leading men among the red people, probably already regarded the Black Hills the same as sold to the Government, and expected an agreement as to price at an early day. It is seen from a perusal of the proceedings attending the negotiations of the Allison commission of 1875, that the Indian chiefs made a point of the large amount of gold which the whites had already taken out of the hills which belonged to the Indian owners and which they expected would be paid for by the Government.

PUBLIC MEETING AT THE CAPITOL.

The citizens of Dakota very properly took the initiative in organized legitimate efforts to secure the peaceable and lawful opening up of the Black Hills country, now that there was manifested a willingness on the part of the Government, and the Indian holders to come to an agreement. In order to promote the early accomplishment of a treaty, and also in order to provide for and safeguard the interests of Dakota people, a public meeting was held at the capitol in May, 1875, at which Governor Edmunds presided. The meeting was attended by representatives from the several communities of the territory extending from the Big Sioux River to Fort Randall. At this meeting the following resolutions were unanimously adopted:

Resolved, That it is the unanimous sense of this meeting, which represents also the expressed sentiment of all our territory, that the Black Hills of Dakota and the region beyond, should be opened at the earliest practicable time to treaty with and fair purchase from, the occupying bands of Indians, and to this action we respectfully urge the Government, as we have heretofore petitioned;

Resolved, That the treaty made for the above purpose, should provide for the cession to the United States of all that portion of the Great Sioux Reserve which includes the Black Hills, from the south line thereof as far south as the forty-fifth parallel of north latitude, or so far north as to include the Cheyenne River and its north branch. And that it is most essential to any fair, complete or satisfactory settlement of the same, that the very and varied resources of the Black Hills region. The soil, the minerals of the Territory of Dakota must be at once extended over that region, which covers the eastern of the United States must have large relations therewith, and the restoration of commerce and trade government, the communication with the capital of the territory, the carrying of United States mails, the establishment of transportation lines, the freedom of travel upon the routes, the probable early demand for railroads and the communication of telegraphs from the now reach its border, as well as the progress and growth of the people of the country and leading states of the Northwest, all justify the belief that the opening of the Black Hills

Resolved, further, That Governor John L. Pennington, Hon. Jefferson P. Kidder, delegate to Congress, Hon. M. K. Armstrong, ex-delegate, and Governor Newton Edmunds be and are hereby respectfully requested to personally represent Dakota at Washington City, and use all proper efforts to secure the just interests of the territory in the treaty with the Indians for the opening of the hills.

The necessity of some representatives acquainted with the situation of the communities of Dakota with reference to the Black Hills is apparent when it is considered that, as the treaty was finally made, the Indians were given a broad reservation east of the hills extending to the Missouri River; covering the country from the southern boundary of the territory to the Cannon Ball River; and unless there had been a determined effort made by Dakotans, there would have been no provision in the agreement or treaty for public roads along the best routes from the Missouri to the gold fields, and Dakotans would have been shut off from all communication with the western part of their own territory except by the roundabout journey by way of the Union Pacific, or by some route to be opened possibly through Northern Nebraska; and it was more than apprehended that there was a movement on foot, backed by influential parties, to neglect any recognition of the Missouri River routes in the interest of the Union Pacific Railroad.

INDIANS VISIT WASHINGTON

The next step taken by the Government was in April, 1874, by securing a deputation of leading Indians to visit Washington for the purpose of making a treaty. The Indians selected for this purpose were chosen with regard to their representative capacity and influential character. The delegation was in charge of Dr. J. J. Seville, agent at Red Cloud Agency; Maj. E. A. Howard, agent at Spotted Tail or Brule Agency; and Maj. H. W. Bingham, at Cheyenne Agency; with Louis Bordeaux and William Garnett as interpreters. The names of the Indians follow:

Oglalas—Red Cloud, Little Mound, Man-Afraid-Of-His-Horses, Conquering Bear, American Horse, Sitting Bull (not the chief of the Custer battle), Shoulder, Tall Lance, Fast Thunder, Hole-In-The-Day, Yellow Jacket, Black Bear, Iron Horse Face, Pawnee Killer, Bad Wound and his wife, Ba-pink-leu-tah.

Brules—Spotted Tail, Swift Bear, Crow Dog, Crazy, In-The-Lodge, King Thunder, Cut Nose, White Horse, Under-The-Cloud, High Eagle and Fast Thunder represented the Minneconjeaux or Rippling Water band.

Cheyenne Agency—Lone Horn, Long Mandan, Bull Eagle, Red Skirt, Charger, White Swan, Spotted Elk, Rattling Rib, and Duck.

The Indians left about May 10th and reached Washington on the 18th and on the 19th called formally on the Great Father, President Grant. In this interview, which was intended as a friendly call only, Lone Horn or Lone Horse, a chief of the Cheyennes, unexpectedly voiced the attitude of the Indians regarding the relinquishment of the Black Hills, in these words:

Lone Horse:

I am glad to see the Great Father and shake hands with him. These are my people, but they are not chiefs, but soldiers, and they can fight. This is a great country. It once belonged to me, but is not mine today. I own a great country out toward the setting sun; but the white people now want to take it away from me. I never claimed this country before, but I claim it today, and I own it all alone, and I shall not give it up without talking to you about it. I don't want to talk to these other men.

Here the President interrupted the speaker and told him not to make any further remarks at the time, but to defer until the great council to be held with Secretary Delano. Lone Horn was becoming somewhat excited and agitated; he was evidently anxious to make a favorable impression on the Great Father, but had not digested his remarks in advance. He was obliged to stop, and the

interview ended with some diplomatic words from the Great Father. The Indians were disappointed that they had not been permitted to have a more general talk.

PRESIDENT GRANT SPEAKS TO THE INDIANS

At a later day the Indians were presented to President Grant in his private office. While the negotiations were conducted by the secretary of the interior, the present occasion seemed to demand that the Great Father himself, as the President was termed by them, should initiate the negotiations by informing the Indians of the object in bringing them to Washington and of the purposes of the Government to make a treaty for the transfer and relinquishment of the Black Hills. The room was filled with Indians, who had been given especial attention with the design of making the occasion impressive to their minds. The President intended to make them a speech pregnant with their welfare and desired that they should receive it as indicating the plans that had been formed for their government in the future. Many western governors were present, including Governor Pennington of Dakota. The President, through an interpreter, addressed the Indians as follows:

I want to say to the Indians today something about the object of bringing them here, and a few words for them to think about, but nothing for them to reply to, at present. I have always been a friend to the Indians, and am very anxious to do what I think best for their good. The country where they now live, as they must be well aware, is becoming more and more valuable of supporting them, should the Government cease to give them aid. In the treaty of 1868, clothing was granted to them for thirty years, and provisions for the same period. The food and provisions, therefore, which has been given to them for the last twenty years have been a gratuity on the part of Congress. These may be taken from them at any time without any violation of the treaty. They intend now to make new arrangements with the Indians by which they and their children will be secure in the future.

As I said in the beginning, it must be evident to the Indians, if the supplies of food should be withheld by the Government, it would be entirely impossible for the Indians to live where they are. Another thing I would call their attention to is this: The number of the white people outnumber the Indians now at least two hundred to one, taking all the Indians within the territory owned by the United States. This number of whites is increasing very rapidly; that before many years it will be impossible to fix any point within the limits of our territory where you can prevent them from going. It will become necessary that the white people shall go from one place to another, whether occupied by Indians or not, the same as they go from one state to another. For this reason it is very desirable that where they have friends here to look after their interests, they should be situated where they would be able to get support beyond any contingency. I do not propose to ask them, without their consent, to leave their homes where they were born and raised, but I want to point out to them the advantages to themselves and their children if they will accept such arrangements as may be proposed to them. There is a territory south of where they now live where the climate is very much better, where game is much better, and where water is more abundant, including large game, such as buffalo, where there is good pasture for horses, and where teachers can be sent among the Indians to instruct them in the arts of civilization and the means of self-preservation and support.

This year we have had great trouble in keeping white people from going to the Black Hills in search of gold, but we have so far prevented them from going. There will be the same difficulty will be encountered until the right of white people to go to this country is granted by the Indians, and may in the end lead to hostilities between the white people and Indians without any special fault on either side. It will finally result in war, and, in general, it would necessarily lead to war. For the first time in our history, the nation which the Government has been sending all our troops and money to fight and to see the Indians well provided for in such a way that the Government will have to be respected by my successor, and by other administrations in the future. Let the Indians think of what I have said. I don't want them to say anything more. I want them to talk. I have said I don't want them to say anything more. I want them to talk among themselves, and be prepared to hear from the secretary of the interior and the Commissioner of Indian Affairs, who are authorized to make for you and will be guarded by my army. This is all I want to say to them.

The Indians present were all of the Dakota tribe, led by Chief Sitting Bull, Spotted Tail, and they were quite disappointed at not having been given an opportunity to speak before the Great Father. They had prepared to say more.

things which they believed the Great Father would be glad to hear, and it was now plain that they were not to be given that privilege, but must bestow their eloquence upon his subordinates. Grant, however, was averse to a harangue that consumed valuable time and was productive of no profit to either party. But it had been arranged to have a talking council later, after the Indians had had time to consider the President's proposition for their removal to the Indian Territory, which was the aim of the administration at this time. While the Indians represented in this project were all Dakota Indians, the treaty they would be called upon to make affected the interests of Montana, Wyoming and Nebraska, and a sort of an organization, unofficial, had been formed at the capitol, made up of representatives, governors, delegates to Congress, and prominent citizens, that held regular meetings and mapped out the features they desired in the new treaty; so that the Black Hills was not the only subject of importance that was to be disposed of by the treaty. The Black Hills, however, was the most important, being of special interest to a multitude of people who anticipated profit from its acquisition. The other subject of leading interest to the Indians was the proposition to remove the Sioux to the Indian Territory, which met with a chilly reception among the aboriginal representatives.

The Dakota delegation of citizens who attended to the interests of the territory in this matter was represented at the various councils by the governor, John L. Pennington; the delegate, J. P. Kidder, and Gen. W. H. H. Beadle. Feeling that the interests of the territory might be jeopardized if they became entangled with the claims of adjoining territories, this delegation prepared and filed with the secretary of the interior, just prior to the formal council with the Indians, the following statement:

To Hon. Columbus Delano, Secretary of the Interior.

Sir: We, the authorized representatives of the people of the Territory of Dakota, and commissioned by them to confer with you and others in authority in reference to negotiations with the chiefs of the Sioux Indian tribes, for the extinguishment of the Indian title to that portion of what is currently known as the Black Hills country within our territory, respectfully represent that we believe, as do the people of Dakota and the Northwest generally, that there is gold and other valuable minerals in the Black Hills—whether in large or small quantities, we are not informed and do not undertake to say; but certainly enough has been discovered, especially as to gold, to warrant a very general impression, which prevails throughout the country, that it exists there in paying quantities; and also to warrant a respectful appeal to the Government to use all honorable and the most expeditious means to abrogate the treaty of 1868-69, and to extinguish the Indian title to so much of the Black Hills as is supposed to abound in mineral wealth. After the excitement caused by the reported discoveries of gold by parties accompanying the expedition of General Custer, last summer, nothing will satisfy the people of the country but the actual extinguishment of the Indian title to the Black Hills, and the opening up of the right of way from all available directions, so that all who desire to do so may go in, examine, prospect and decide for themselves as to the existence of mineral wealth, and the adaptability for pastoral pursuits and agricultural purposes of that now famous country.

While we have no desire in this connection to ask for any exclusive privilege, or to advertise our own territory, or to reflect upon or to decry other sections, it must be remembered that nearly or quite all of the mineral discoveries that have been made in the Black Hills have been found in that portion embraced in the Territory of Dakota, and mainly in the vicinity of Harney's Peak; and hence the people of Dakota not only respectfully petition the Government to extinguish the Indian title to said territory, but they also respectfully urge that the amplest right-of-way to reach it, from Yankton, Fort Randall, Bismarck and other available and desirable points on the Missouri River between Yankton and Bismarck, be provided for in whatever treaty may be made. These wishes, we are assured, are shared by all the people east of the Missouri River, many of whom intend, as soon as they can do so lawfully, to penetrate the mysteries of that comparatively unknown land. The distance from Chicago to Yankton, capital of Dakota, over the Illinois Central and the Dakota Southern railroads, is 500 miles, and from Yankton to Harney's Peak, by land, is not more than two hundred and fifty to three hundred miles. Fort Randall, seventy miles above Yankton, may be made by steamboat on the Missouri River, from whence Harney's Peak may be reached, over excellent roads, in from two hundred to two hundred and fifty miles. We mention these facts to show that this is the shortest, most direct and feasible route to the Black Hills, at least from the country south and east of the Missouri, so they may avail themselves of its advantages.

We do not propose or desire to interfere in any way with the duties of the Government authorities in the matter of this treaty. Only respectfully to present the views and wishes of the people whom we represent in reference thereto. We have not approached any of the chiefs of the Sioux tribe now in the city, or tried in any way to influence their action in favor of our own territory, or against the interests of any other territory or state, nor will we do so. We only pray that the interests of all sections be fairly and equitably considered, and that no injustice be done to Dakota by closing the natural routes leading to the Black Hills through it, whereby people who go there will be compelled to go around and come in the back way. We wish, so far as we and the people are concerned, to leave the subject with this statement of facts to those whom the law has clothed with the power and authority to make and ratify treaties.

JOHN L. PENNINGTON, Governor.
J. P. KIDDER, Delegate in Congress.
W. H. H. BEADLE.

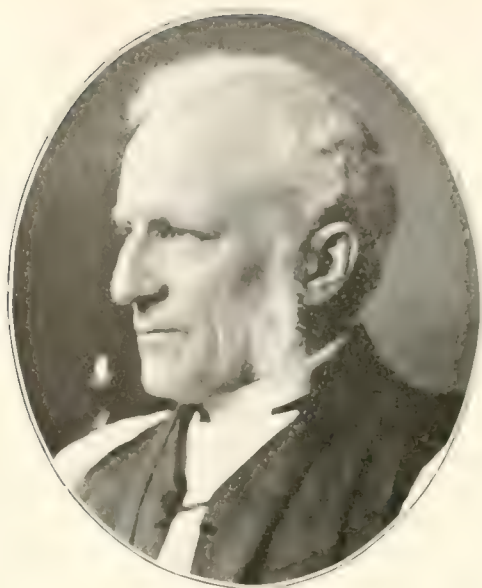
It had become apparent that in case a treaty was agreed upon, it would reserve to the Indians all their old reservation east of the Black Hills, extending to the Missouri River, and it was vitally necessary to the interests of Dakota's settlements that a provision should be incorporated in the treaty granting the right of way for wagon roads from the river across the reservation to the Hills. It was for the purpose of securing this stipulation that the Dakota delegation filed their brief. There had been rivalry between the steamboat interests and the people of the Missouri River settlements on one side, and the Union Pacific Railroad and its Nebraska towns on the other side, for the transportation business to Montana, for some years, and it was known that the parties interested were watching this Black Hills treaty, apprehensive that their opponents would take any advantage in the shape of overland routes that the situation might offer; at the same time the Missouri River interests, resting upon the superiority of the routes from their points, made no effort whatever to interfere with the opening of highways from any and all directions.

The formal council that followed with Secretary Delano satisfactorily disclosed that the Indians had resolved to make no treaty unless they could have a cash payment immense in amount and out of all proportion to the value of the hills, and it was openly charged that the Indians had been governed in this matter by outside influences. Early in June it became apparent that they would sign no treaty on any basis satisfactory to the Government, and it was finally agreed that they would return to their homes and people and consider the proposals made to them by the Great Father; and that later in the season the Great Father would send a commission of eminent men to them with authority to make a treaty. The inducements offered by the Government had failed to awaken the slightest favorable response; the inducements the Indians had expected would be offered, including a large money bonus, were utterly lacking, and the average temper of the red proprietors of the hills country was one of undisguised indignation that they had been brought to Washington on such an unremunerative errand. Spotted Tail had, throughout the visit, conducted himself with becoming dignity and decorum, and had won the confidence of the President and many prominent officials by his manly and consistent bearing, and more by the ability he had displayed in directing the negotiations, wherein it was discovered that he was thoroughly informed of his subject and placed himself on the broad platform of right and wrong, and urged only that the Government treat the Indians front that very point. The evening before leaving Washington a farewell interview was had with Secretary of the Interior Delano, during which the secretary urged the Indians to accept some minor proposition regarding hunting on Nebraska lands, and in reply to Delano, "Old Spot," as he was familiarly called, made a great speech, which was preserved by the official stenographer. The aged chieftain said:

My Friend: I wish to tell you a very true thing, and I say from my heart. You all know the Great Spirit made you and that you belong to the Great Spirit. I also know one true thing. The Great Spirit made me well, and placed me in that country, and gave me the animals that live in that country, for food. I think I have no right to go to the Great Spirit. He told me it was wrong to steal, and I never steal anything from anyone. I remain in

the country which He gave me. The Great Spirit never told me to take another man's country without pay. If the Great Spirit had given you the same sense of right that He has me, we could get along very well side by side, each people holding its own country. When you have spoken to me about the hunting on the Republican, you have spoken about something that concerns me; but when you speak about the Big Horn country, that belongs to the Crows. You remember that when the treaty was made by Generals Sherman, Sanborn and Harney, they gave me the country in which I now live. They fixed the bounds for it. You have spoken about the Black Hills. They are in the center of our country, and all the different tribes of the Sioux are surrounding the Black Hills and guarding them zealously. On both sides of this discussion we are men, and it is well to consider well before we talk about it at all. Let the matter rest. Let the President consider it in his own house, and the Indians in their own land; but in the meanwhile keep those people out who want to go in there. As you have a country here, in the center of which is a house for the government of your people, in the same way I hold the Black Hills in my country. Whenever you buy something that belongs to another, it is your habit to pay a great price for it, even though it is a small thing. We have the same regard for our country. It is all the same everywhere; whoever plants in the soil, that which grows up is his to eat. I have the same regard for my country; it is a good country. I have been here with these people. We are very few, and we could not come to a conclusion here, but we will take this matter home and consider it, and bring back an answer about the Black Hills. It is not worth while mentioning that now, but it will take a heap of money.

The claim made at the time by well-meaning friends of the Indians that it was an outrage to dispossess them of the Black Hills country, which furnished them with game, fuel and grazing, and material for constructing their winter dwellings, was founded almost entirely on a fictitious knowledge of the situation, for it became well known that the Indians had never selected any portion of the Hills for their abode, not even in winter, when they could have made good use of the game and fish and fuel, and had the protection of the forests of pine which abounded. The reason for this was found in the ingrained superstition of the Indians that the hills were an enchanted region, the abode of many evil spirits, and some good ones probably, who inflicted various punishments of sickness, suffering, tempests and electric shocks on those who disturbed the solitude of their mountain-abode. Small parties of Sioux invaded the foothills in summer, and from such incursions probably came the discovery of gold by the Indians in some of the numerous creeks flowing down from the Hills into the Cheyenne; but they made no attempt to live there, though for two or three generations they had known of its mineral riches and its wealth in wood, grass and flowing streams abounding in food—fish and valuable fur-bearing animals, which were discovered in surprising abundance by the first white invaders. The Indians knew the value of the hills to the white man for its gold, which they supposed to be manifold more abundant than it was found to be, and which, through their superstitious dread and lack of knowledge, they were unable to secure, except as some individual in rare cases had detected and taken a nugget out of the streams. One good sized nugget found in this way naturally excited the cupidity of every Indian who knew of it, and led to the search for more, only to end in disappointment as a rule, for the glittering metal was chary of exposure, and seldom exposed itself to the eye in flowing streams, and then only when it had found lodgment upon a rock. Being so much heavier than the earthy creek bed, it found a place beneath the surface and usually worked its way to the bed-rock, which the Indian knew nothing of. But he knew that the forests of pine and the flowing creeks so abundant would be highly prized by the whites, and on this resource, as well as its mineral wealth, he expected to receive a sum beyond his ability to compute, when he came to sell it. It was a colossal nest-egg, which the rulers and chief men of the Sioux tribes looked upon as the source of abundance to them whenever the whites came to buy it, hence to some extent the apparent sacredness with which they professed to regard it, and which appealed so strongly to the good Quakers, whose knowledge of the true inwardness of the savage redman was largely a reflection of their own innate excellence—of a humanitarian spirit that had led them to discover virtues in the aboriginal race which were foreign



WILLIAM H. HARE
Indian Bishop



ANTOINE GIRARD, CAMOË'S INDIAN TRADER

to the great majority, and only occasionally detected in a very few, who, however, seldom made any effort to hide their light from those in search of it.

The letter following, from the Episcopal Bishop of Niobrara, clearly reflects the sentiments of those who opposed any interference with the Black Hills for sentimental reasons. Bishop Hare had been in charge of missionary work among the Sioux of the territory for many years prior to his election as Bishop of Dakota. It is not at all remarkable, however, that the bishop, with thousands of Americans less familiar with the Indian character, failed to realize that so long as the Indians were supported by the Government and left free to follow in the steps and methods of their fathers, they would make no substantial advance toward the civilization of the whites which would prepare them to become self-sustaining, self-reliant, and fit them for the duties of American citizenship. As President Grant tersely expressed it—"the time had come when the Indians must choose between an industrial life and starvation with extermination."

BISHOP HARE'S LETTER

Philadelphia, Friday, June 20, 1874.

To the Editor of the New York Tribune.

The recent visit of a large delegation of Sioux chiefs and head men to New York will, perhaps, gain a few words of appeal, hearing which under other circumstances I might not hope to get. I should not presume to seek it, but that residence among the Sioux and frequent trips through the country as a missionary bishop of the Episcopal Church, and two journeys into the vicinity of that part of the country known as the Black Hills have made me familiar with some facts that may not be generally known.

The Sioux chiefs represent people numbering about thirty-five thousand, who in the past have been among the fiercest of the meat-eating tribes of the Northwest. The chiefs are all of them famous themselves for prowess in the past years since the warpath was accepted, some years ago, however, treaty relations with our Government, and now, having all things considered, to have observed in a commendable degree the principles of civilization. They stand therefore midway between the northern Sioux, some ten thousand in number, who yet maintain an attitude of utter independence, and those Sioux of the Missouri River who have begun to erect houses, till the ground, and wear the white man's dress, and who have been gathered into schools and churches, and have learned to read and write.

No one who has mingled among the Sioux Indians can doubt that, however far short of his wishes their present condition may be, it is strikingly advanced to what it was a few years ago. Civilization has been effecting a slow but sure and steady progress. Their advancing children are being gathered into schools, and Christian women engaged in the mission work are today living undisturbed in districts where, but five years ago, few white men, except squaw-men, would have dared to show their faces.

But unfortunately for the trust and quiet and orderly settlement, and to which they flourish, the Sioux, like Naboth in sacred history, and the great race in Northern portions own something very dear to them which a more powerful neighbor covets. It is the country known as the Black Hills of Dakota. The Indian attachment to it is a curious one. As well it may be, for this district is the kernel of their country, and their life. While the rest of their reservation is a "dry and thirsty land, where no water is," the hills are reported as abounding in "fountains and wells that spring out of valleys and hills." While many of the streams outside of the hills I know to be in constant and usually rapid motion, cool and always sweet and deliciously crystal clear. While some of the soil of these hills is sun-baked, and blasted by scorching sun-rays, these hills are recorded as affording frequent showers. While much of the rest of the land is almost destitute of all soil, and the famous "Maui-vase Terres," or Bad Land, of Dakota, except large stretches of the soil of the valleys in these hills is reported to be rich and deep and covered with grass and flowers; and while much of the rest of their country is nearly barren, and the hunter seeks in vain, as I know by experience, for a good enough to put a good cup of coffee with, these hills are well covered with elm, and oak, and pine. In the speech of four gentlemen, all of them familiar with the country, with whom I conversed a few days ago, the timber (the only fuel for the Indians) is a constant source of war, and the mercury ranges from 10 to 100 below zero in the winter months, with no present rate of consumption, have all disappeared in less than three years or less. Manifestly no one needs this tract of land so much as the present owners, the Sioux owner.

But what right has an Indian? These hills are no exception, and are not specially organized in Dakota, for the purpose of saving them the territory. They are executive in this instance acted with great wisdom. A strong and powerful nation, the said evil disposed persons of the district, and the Government to protect the

and troops were set in motion to deal effectively with the marauders. Thus checked, rapacity slumbered until a year ago, when a military expedition, having penetrated the Black Hills and inflamed our cupidity with stories of its wealth, bands of reckless adventurers began to invade the Sioux country—thus far, thank God, only to be captured by the military. Many others hover on its border; our cities, from the Missouri to the Atlantic, are placarded with, "Gold, gold, gold! Ho, for the Black Hills." And the excitement and the pressure are so great that even the President of the United States, to whom I would pay a grateful tribute as the friend of the Indian, thinks it wise to succumb, and to direct the storm which he cannot resist, and is obliged, with other friends of the Indians, in the effort, to see that the evil is done as gently as possible, to play what may seem to be to some, *particeps criminis*.

The only plea which the proposed effort to obtain the country from the unwilling Indians can make with any force is this: That civilization having driven the game from the plains, the Indians have been made dependent for their food upon the bounty of the white man's Government, and that being "beggars," they must not be "choosers." Whether this apology will avail, in view of all that the white man has already taken away from Indians, let the kind and just determine.

The other plea under which the proposed effort seeks cover, viz., that barbarism has no right to hold back vast areas of land from the tillage of the needy settler, is in this case entirely without point. The chief sinners in this line are not Indians, but white speculators, who have bought up land and hold it by the ten-thousand acres, to the exclusion of the needy. And in the next place, it is an entire mistake to suppose that the area occupied by these Sioux Indians is vast. Their reservation proper, adding in their neutral lands which bound it on the south and west, is only about four hundred miles square. Their reservation proper is not 250 miles square. Of this, as I have shown, a large portion of it is an utterly inhospitable waste. In God's name, I ask, may not the Sioux, who number some thirty-five thousand souls, enjoy the occupation of the pitiful remainder? That they will willingly surrender it, driven to the wall, as they already are, is, I fear, a fond hope. But if they will, manifestly we should be willing to pay them so liberally and judiciously that the loss of this part of their land shall redound to their good. As, however, these Indians are a brave and warlike people, as they love their homes passionately, and as all the past has revealed to them that the white man has no pity, we should not be surprised if, insisting now upon buying with money what the Indian does not wish to sell, we drive him to frenzy, our covetousness end in massacre, and we pay for the Indians' land less in money than in blood.

WILLIAM H. HARE,
Missionary Bishop of Niobrara.

The bishop's argument and description of the great reservation was a most powerful plea in favor of the proposition to remove the Sioux to the Indian Territory. The bishop must have known that the Indian never inhabited the Black Hills for reasons which could not be overcome, and his portrayal of the barren and worthless quality of the great reservation shows it unfit for the habitation of human beings. With due allowance for the sacred character of the bishop's position and profession, there will be many who will regard his letter as an utterance prompted by a selfish purpose, mingled with a prejudice against the prevailing policy of the Government.

The subsequent occupation of the same country by the whites, and their success in industries, is a sufficient answer to the reverend gentleman, who, it would seem, was somewhat more zealous to create in the public mind a distrust of the value of the country than a desire to give the region such a description as the facts would warrant, presuming that he possessed the information that he claimed to have.

CHAPTER LXX SCIENTIFIC EXPEDITION TO THE HILLS COUNTRY

1875

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PROFESSOR JENNEY'S SCIENTIFIC EXPEDITION.

A second expedition to the hills under General Custer was organized in 1875 and rendezvoused at Fort Rice; but the order assembling its forces was countermanded, and Custer was given employment with his troops in the Yellowstone country, where the northern Indians, under Sitting Bull, continued their hostilities, based on their opposition to the extension of the North Pacific Railroad west of the Missouri.

Custer, at this time, was not in high favor with his superior officers. He had been writing letters to eastern newspapers then editorially concerned upon the official management of affairs in the Indian country and at the military post, and was said to have been responsible for exposing the disgraceful conduct of Secretary of War Belknap, in connection with army sutlerships. Custer was inflexibly opposed to every form of intrigue or corruption in the service and felt it his duty to make his discoveries public. His offense, if it was an offense, consisted in the method employed in bringing the matter before the public—the sentiment of his brother officers inclining to the opinion that he should have preferred his charges and complaint through the authorized military channels instead of through the columns of the public press.

It was also claimed in connection, that Custer became somewhat incensed because his course had been unfavorably criticized and some official indignities added, and resolved to win his way into the hearts and confidence of his countrymen at the first opportunity. The opportunity came when he met Sitting Bull on the Little Big Horn, June 25, 1876. But he was denied the achievement he may have ardently hoped for and the laurel crown that would have been his with a victory gained by his Spartan band over twenty times their number; and did not survive to receive the plaudits which their heroism and their melancholy fate invoked.

Another military expedition to the hills was not favored by the friendly Sioux in the southern portion of the territory, and the Government was doubly interested at this time in keeping peace with the people it was then engaged in treating with; the Government was also more interested in knowing more definitely the extent and richness of the gold deposits than in any matter that could be promoted by a display of military force, it having virtually determined upon securing a treaty of relinquishment of the hills country in case the extent of the mineral resources of the country would warrant extraordinary efforts and a liberal bonus to secure it.

There was furthermore an important collateral reason why the United States Government authorities desired to open up the Black Hills, provided gold should be discovered in paying quantities, and this reason was doubtless considered before Custer was sent into the region in 1874, and would have gone again in 1875, but for prudential reasons it was thought more advantageous, and would be more agreeable to the Indians, to send the 1875 expedition under the peaceful emblems of the Interior Department as a scientific expedition solely, which could accomplish the same purpose that would be secured by the military.

The Government at this time was operating its finances on a paper basis; the domestic business of the country was being transacted altogether with paper money; the suspension of specie payments which took place during the Civil war was still in force, though the war had been over for ten years, and already there was much clamor and agitation for a resumption of specie payments. Montana had produced nearly twenty-five millions in gold since the war, and nearly all from its placer mines, and in case the Black Hills country should prove equally as extensive and rich in the precious metals, the product would be an important item in supplying the specie needed to restore and sustain specie payment resumption. This underlying purpose undoubtedly had much to do with the laxity in enforcing the edicts against trespassing emigrants and miners, who were the best of all mediums through which to discover the fact of the existence of the precious ore in paying quantities, and also the extent of the deposits.

The Government, while it desired to occupy the hills with its civilized people in case the gold deposits were sufficiently abundant to justify emergency measures, had before it the difficulties of coming to an agreement with the Indians, who had a vastly exaggerated opinion of its value because of its gold, therefore the official reports, or rather semi-official news, given out by the departments were at times slightly discouraging, and seldom as optimistic as the known facts would justify; but were calculated to influence Spotted Tail and the influential Sioux leaders to be more moderate and considerate in their demands for the country, in case the Government concluded to buy it.*

Accordingly, a Black Hills geological, topographical and astronomical expedition was organized under the direction of the Interior Department early in May, 1875, for the purpose of further explorations and investigations of the gold field country. Notwithstanding the favorable report of General Custer in 1874, there appeared to be some question as to the extent of the gold bearing field as well

* Specie payments followed the opening of the Black Hills in a little more than two years, at which time the Homestake was operating, and the Hills country was producing gold at the rate of half a million a month.

as its richness, and for the purpose of obtaining more definite information needed before consummating the proposed treaty, this expedition was found needful. Walter P. Jenney, of the Columbia School of Mines, Washington, was placed in charge as the mineralogist and geologist, assisted by an astronomer and topographer. As the hills country, speaking generally, had been but imperfectly explored and mapped, it was said that a large portion of its auriferous area was in Wyoming, and if such should prove to be the case they were already a part of the public domain and open to settlement.

The secretary of the interior, in an official communication to Professor Jenney, stated that the boundary line separating Dakota from Wyoming (the 104th meridian of longitude), was supposed to run near the center of the Black Hills country.

This expedition went into the hills under the protection of a military escort composed of six companies of cavalry and two companies of infantry, under command of Col. H. I. Dodge, starting from Fort Laramie, May 25th. Their first camp in the hills was made on Castle Creek, where they found a little gold, and where an astronomical observation was taken which favored the probability that the valuable gold-bearing earth was almost wholly in Dakota. French Creek was explored and gold found in limited quantities. Jenney's party and Colonel Dodge's forces established a permanent camp on French Creek, called Camp Harney, and close by they discovered the stockade miners had built earlier in the season, but not then occupied, the miners having been removed from the country by Captain Mix. There were, however, about one hundred miners found in different near-by localities.

This expedition traversed a large portion of the southern and most accessible portion of the hills; and in view of the importance attached to the country by the Indians, made a special effort to locate anything and everything that had the appearance of occupation by the native owners or by whites, and were able to find but one locality that indicated the presence of Indians. This was near the headwaters of Castle Creek, where a lodge-pole factory was found that bore traces of having been in use the year before.

Jenney's first reports were discouraging. He was diligent in investigation, sinking scores of prospect holes on various creeks—those where the miners had worked and in new ground, but found little at first to justify the sanguine reports that had been given out. It was charged at the time that he purposely underestimated the deposits, desiring to meet the views of the Interior Department, whose desire just at that period was to discourage the unlawful immigration which was every week increasing and growing to be a difficult and most vexatious problem.

Advices from Jenney's camp on Spring Creek, July 17th, to the commissioner of Indian affairs, were more encouraging. He says:

I have discovered gold in paying quantities on gravel bars on both Spring and French creeks, from twenty to thirty miles northwest of Harney's Peak. The deposits are the richest yet found in the hills, and are very favorably situated. There is a good head of water in the streams, amply sufficient for working purposes. The alluvial gravel from which the gold is obtained is of enormous dimensions in a belt of clay, shale and sandstone, trending up across the hills in a northwesterly direction. At this point the alluvium has not yet been worked near camp yields from four to eight cents to the ounce, native made gold, and a considerable amount of about the value of a dollar have been found in the alluvium. I am endeavoring to ascertain the value and extent of the region, about two hundred square miles. Arrived at Harney's Peak and followed me here. They are four or five miles from the hills, from all directions, and are giving every assistance in prospecting the country. No doubt here is valuable the great wealth of the future great wealth of the Black Hills will be in great gold, farms and timber. The soil is deep and fertile and the rainfall greater and more regular than any other region east of the Allegheny Mountains.

He said that about three hundred miners were at work on the mountains, and he estimated that there were about eight hundred whites in the hills. Several gold Rapid Creek diggings were about thirty-five miles northwest of Harney's Peak.

French Creek was being deserted—a good many miners were leaving, discouraged with the poor prospects.

It was not an uncommon comment upon these authentic reports which were frequently appearing in the public prints, that the Government would now issue another edict declaring its “unalterable purpose” to keep the whites out of the hills but had done practically nothing to prevent the trespassers if they came up from the Union Pacific Railway, and this fact being generally known, the greater rush was naturally from that direction; but in view of the paramount importance of harmony at this time (late in July and during August) when the confidently expected treaty was being negotiated at the various Indian agencies or with the great body of the Sioux, it became necessary to impress the Indians that the Government was determined to protect them in their rights and property, and to that end the military people now became active in enforcing the prohibitive edicts.

Professor Jenney appears to have been deeply impressed with a belief that the source of the placer deposits was to be found in rich quartz veins farther north, and governed his prospecting in that direction. He was followed by many experienced miners who had worked in other gold fields, and had one or more such miners engaged with him in this expedition, one of whom claimed that where “there were limestone ridges or belts on the east side of any country, and on the west gypsum, there was, lying between these formations, gold in greater or less quantities.” This was true in California, Montana and Arizona, and seemed from the limited investigation of Jenney's party to be again verified in the Black Hills. Rich diggings had already been reported from farther north toward Bear Butte, and already preparations were making for a movement of the expedition, with Colonel Dodge and his command, in that direction. Camp Harney, in Custer's Gulch on French Creek, was abandoned late in July, and the camp removed to a point on Rapid Creek near the place where Jenney had been prospecting.

He left Rapid Creek August 13th for the north to the vicinity of Bear Butte, where Camp Terry, the third permanent camp, was established on the south fork of Bear Creek. The gold prospects in this region were reported encouraging by the geological corps. Rich diggings, said to have been discovered sixty miles north of French Creek, were located in this district. The command moved west August 21st from Camp Terry to Camp Bradley, on Inyan Creek, situated near the base of Inyan Kara. Bear Lodge, thirty miles north of Laramie Peak, was said by the Indians to contain gold, to ascertain which Professor Jenney and the scientific corps, with Lieutenant Coale and a cavalry escort, left for that region to determine not only the existence of the precious metals, but whether Bear Lodge was a mountain or a mountain range. Professors Jenney and Newton geologized Bear Butte, Crow Peak, Spear Fish Canyon or as it was called, Grand Canyon, and Red Water Valley, and reported immense deposits of carboniferous limestones extending from east to west, but no mineral of any kind was discovered. Here the work of the expedition closed.

Jenney's official report, published on succeeding pages, will give an account of his investigations after abandoning Rapid Creek.

CROOK INDUCES MINERS TO WITHDRAW

A permanent military camp had been established in the hills in May, 1875, near Harney's Peak, by General Crook, and placed in command of Colonel Dodge, and in July the War Department issued orders anew that no one not authorized by the existing treaty, was to be admitted to the hills during the pendency of the making of a treaty which was then in progress. The military commanders were instructed to enforce the order. The emigration was at that time active from Union Pacific points which had not been so vigilantly patrolled as the routes leading out from the Missouri River.

No move appears to have been made to remove the miners or to interfere with their operations until General Crook, late in July, in a wise and temperate manner succeeded in getting the trespassing parties together, numbering some hundred, at Camp Crook, where he read to them his judiciously worded edict, requiring their removal. He gained his point and at the same time won the confidence and esteem of the large number who had in an unlawful manner made their way into the country. The willingness of the people to give cheerful obedience to the mandate of authority requiring them to abandon the country, would indicate that they were men of character, good citizens and law-abiding, and furnishes evidence that the Government would have met with no serious opposition from the trespassing class had there been an earnest and determined purpose to keep the country free from white invaders. But the policy of the Government does not indicate much more than a desire to make an apparent effort in this direction as a matter of good policy; and further that the Government had determined to acquire the hills country and open it for white occupation.

General Crook's proclamation to the trespassers follows:

Whereas, The President of the United States has directed that no miners or other unauthorized citizens shall be allowed to remain in the Indian reservation of the Black Hills, or in the united territory of the west, until some new treaty arrangements have been made with the Indians; and

Whereas, By the same authority the undersigned is directed to occupy said reservation and territory with troops, and to remove all miners or other unauthorized people who may be now or may hereafter come to this country in violation of the treaty obligation;

Therefore, The undersigned hereby requires every miner or unauthorized person to leave the territory known as the Black Hills, the Powder River, and the Big Horn country, before the 15th day of August, next.

He hopes that the good sense and law-abiding disposition of the miners will prompt them to obey this order without compelling a resort to force. It is suggested that the miners now in the hills assemble at the military post about to be established at Camp Crook, near the stockade on French Creek, on or about the 10th day of August, that they then and there hold a meeting and take such steps as may seem best to them for organization and the carrying of proper resolutions to secure to each, when the country shall have been lawfully opened, the benefit of his discovery and the labor he has already expended.

General Crook,
Brig. Gen. U. S. A. Commanding the District.

Camp Crook, Dakota Territory, July 29, 1875.

The miners manifested a willingness to comply with the proclamation and forthwith held meetings in their various districts, at which, by resolution, they agreed to accept the conditions; and further resolved to protect themselves by taking for the use of the men now holding them for forty days that the hills shall be lawfully opened.

FOUNDING CUSTER CITY

A mass meeting was held at a point called Custer City, on French Creek, on the 10th of August, 1875, which was attended by 160 miners, who had been ordered to vacate the hills under the late proclamation of General Crook, and were getting their property and affairs in as good shape as possible in order that it might be preserved for them when they returned after the hills were lawfully opened. General Crook was present with his troops and assisted the miners with his counsel in the work before them. The miners expressed their appreciation subsequently by resolution, returning thanks to the military authorities for their courtesy and moderation in executing their disagreeable duty. Prior to their presumed temporary abandonment of their camp, the miners organized and passed the resolutions following:

Resolved, That we, the miners of the Black Hills, do hereby declare that the hills of Custer City, on French Creek, in Custer County, about three miles square, are hereby set aside to be owned by the miners of the Black Hills, that a township be surveyed and

elected to make laws, etc.; that we have one president, one marshal, one town clerk, one treasurer, to be elected as directors by the voters of said town; the salary of each to be agreed upon by the town directors, the said officers to be elected on the 10th day of August, 1875, and their term to expire July 1, 1876. That the building now erected by the miners be occupied as the city hall to do business in, and to be under the control of the town directors. The clerk shall be in duty bound to remain until the 11th of August, 1875, to make record for each and every miner's town lot, and shall be held responsible for said record. That at the present he shall make no charge for the same.

Resolved, That the lots be distributed among the miners in space of 50 feet front, by 150 feet deep, to be drawn for at the general meeting on August 10, 1875.

Resolved, That each owner of a lot shall have four house logs on said lot on or before the first of May, 1876, and that \$50 worth of improvements be made on said lot on or before June 1, 1876. Neglect of the same will leave the lot at the disposal of the city authorities.

Resolved, That all streets running east and west, commencing at the city hall, as No. 2, or Third Street, be known by numbers; and the avenues, commencing at Crook Avenue, City Hall corner, be known as Crook, Custer, Harney, Dodge and Pennington avenues.

A committee consisting of Messrs. Osborn, Gay and Swearingen directed the drawing of town lots in the afternoon. Officers of the town were elected, and a committee of six persons was selected to remain in the country, with the consent of General Crook, and protect the property of the miners, until the country should be legally opened. This was done with the consent of General Crook, who promised to apply to General Sheridan for permission to have the same carried out.

The next day the miners started out of the country, going to Laramie.

The stockade erected by the miners was within 100 yards of the cavalry camp of General Custer when he was in the gulch in 1874. The stockade was 80 feet square, constructed of heavy timber, 14 feet high from the base of the trench in which the logs were set, and 11 feet in height in the clear. The timber with which the wall was built was cut by the miners during the previous winter and the temperature became so frigid at times that the mercury congealed, meaning that it was 40° below zero. Strict precautions were taken by the miners to prevent freezing. During the work of its erection the miners occupied a number of tents in a finely sheltered ravine. The logs were hauled or "skidded" over the snow. There were four or five bastions connected with the stockade, each five feet square. The miners must have been impressed with imminent danger from the Indians. The timbers composing the wall were sharpened and the logs pinned together, thus forming a defensive bulwark that could easily have been defended against a thousand Indians armed only with rifles. It would have required cannon balls to have made an opening in the walls. Within the structure were a number of well built log cabins, strong and well adapted to camp life in the hills country. The only way of ingress was through a strong gate of six-inch logs. After the miners were taken out, a band of Indians, presumably, gained entrance to the stockade and cabins, and carried off a number of wagons and a quantity of cabin furniture. The structure stood within thirty feet of French Creek, where the dirt "yielded pay in every pan."

FIRST MINING DISTRICT

The first mining district formed in the Black Hills was organized by a company of Dakotans operating on French Creek, on the 29th of May, 1875. It was called the Cheyenne Mining District. Mr. Z. Swearingen, of Yankton, was president of the miner's meeting that organized the district, which was described as follows:

Beginning at a point on French Creek known as the stockade, running west to the headwaters of said French Creek, thence north to the summit of the hill, thence east along the said summit to a point north of the stockade, and thence south to the stockade, including all the streams, springs, and waters within said description.

Each citizen of the United States was given the right to hold a placer claim of twenty acres square. No holder of a claim was allowed to empty his sluices

or tailings, or deposit strippings upon any lode or claim held by another person, without written permission of such holder. Every miner to have the right to make a drain ditch through the land opening his claim, for the payment of drainage, provided he does not cause damage to such adjoining claim or claims.

Every miner shall have the right to hold 2500 feet on a claim on quartz lodges, with all the dips, depths, spurs, angles or accessories, and 100 feet of surface land on each side of the crevice of said claim.

Eight persons forming a company may hold 100 acres for mining purposes only. Claims must be recorded within ten days from day of discovery. Every claim shall be represented every thirty days from the 1st of May to the 15th of November of each year. The recorder was allowed \$1 for recording the certificate. Z. Swearingen was elected president of the district, and William H. Costell, recorder.

B. H. JENNEY'S OFFICIAL REPORT

Professor Jenney's official report of his Black Hills survey in 1875, was submitted to the secretary of the interior November 11th, as follows:

In compliance with your request for preliminary statements respecting the mineral and agricultural resources of the Black Hills in Dakota and the work done during my expedition during the past summer in exploring and mapping a portion of the territory, I have the honor to make the following report in brief: In accordance with instructions furnished to you under date of March 27th, I fitted out the expedition at Cheyenne, Wyoming, and proceeded to Fort Laramie, where I was joined by an escort and two companies of infantry, and two companies of infantry, under command of Col. R. I. Dodge. My party consisted of Henry Newton, assistant geologist; V. F. McGillicuddy, topographer; Capt. H. W. Fisher, astronomer; and W. H. Root, head miner, assisted by a number of prospectors, laborers, and practical miners.

The expedition left Fort Laramie May 25th, and reached the southern base of the Black Hills on June 3d, after a march of about one hundred and thirty miles, and camped near the east fork of Beaver Creek, when the work of exploring the hills was commenced. It continued upon and continued unceasingly until the return of the expedition to Fort Laramie, January 23d, nearly five months.

The Black Hills of Dakota are located between the two forks of the Cheyenne River and occupying an area included between the 103d and the 105th meridian and the forty-third and forty-fifth parallels of latitude; they extend about 100 miles in a northerly direction, with a breadth of from forty to one hundred miles. The high mountain which is the boundary between Wyoming and Dakota passes through the central portion of the hills, leaving the greater area in the Territory of Dakota.

Without entering into details regarding the manner of working, or of incidents in the history of the expedition, how in reaching the hills I found many prospectors at Beaver Creek; how, after a month's work, gold was found in paying quantities on Spring and Round creeks; how the miners poured by hundreds to the hills, and how, consequently, we were of great assistance in prospecting the country; I will briefly state only results of the work, or will tend to throw light on the probable future value of the country.

That portion of the hills that may be designated as Territory Proper gold hills is almost wholly in Dakota, and extends about fifty miles north and south, with an average breadth of nearly twenty miles, covering an area of not less than ten square miles. The valuable gold deposits, however, are found in the valleys of the streams which drain the area, the gold being derived from the disintegration of the granite masses which are now scattered in the rocks of that region. The most extensive and valuable deposits of auriferous gravel discovered during the past season were in the valleys of Spring and Round creeks and their tributaries, where in almost every case the gravel beds are very extensively exposed by working, and many natural circumstances, as the position of the hills, the prevailing position of the gold they contain.

Timber of suitable size and quantity for the construction of houses and other structures is abundant. The water supply is in most places sufficient, and in all of the streams and wells great to enable the water to be readily carried across the hills at some of the more difficult bars and deposited gravel.

While as yet there have been discovered in the Black Hills no deposits of coal sufficiently rich in gold to be profitably worked in the immediate vicinity, yet there are many bars in the Territory Proper of the same kind, some of which, as the case of Castle and Round creeks, and the valleys of Spring and Round creeks, have been fully worked by miners, and many others will undoubtedly be found. The hills are now being explored and the most extensive reported to be made. The hills will be found to be rich in prospecting, the same may be said of the hills, and in the future, some of them undoubtedly contain gold. I have procured all the necessary information for the purpose of making a map of the hills.

The Bear Lodge gold field, situated in the extreme northwestern portion of the hills, is wholly in Wyoming and entirely separated from the Harney Peak region. It does not exceed fifty square miles in area; the gold deposits are small compared with those on Rapid Creek, and are remarkable for the absence of quartz in the gravel, the gold being derived from the disintegration of feldspar porphyry carrying irregular masses of iron and manganese ores. It is difficult to determine the agricultural resources or climate of the Black Hills by the observation of a single season, especially as I could gain but little information respecting the severity of the winters or the prevalence of early and late frosts. The Black Hills rise like an island from an ocean of grass covered and treeless plains, watered by occasional and scanty supplies of rains, and the winds in passing over these plains gather some moisture, which they part with as rain, and being chilled by contact with the colder and more elevated region of the central portion of the Hills. The result of this is the prevalence of frequent though not heavy rainfalls, giving to the hills a most peculiar climate. There is scarcely a day from May to August without one or two showers, yet owing to the dryness of the atmosphere the climate is found to be very healthy. During the past season, after August 1st, very little rain was expected or experienced, and some of the smaller streams contained water only in pools. That this is a remarkable rainfall in a region where the average fall does not exceed ten inches for the whole year does not appear, but I can only judge by observation on the growth of plants and trees.

The abundance of trees and the coarseness of their grain, as well as the growth of plants on the dry hillsides exposed to both sun and wind, tend to show that the season which I witnessed was by no means a very anomalous one, though the amount of rain may have been somewhat greater than usual. The area of land suitable for cultivation, from the mountainous character of the region, is limited as compared with the vast area embraced in the hills, but the soil along the streams and in most of the valleys is deep and fertile, and will be sufficient for the requirements of the population which the hills will support as a stock raising community. I should, from the observation I have had the opportunity to make, judge that at least one-twentieth of the 3,000 square miles embraced in the Black Hills may be fairly described as arable lands, and that near these lands lying near the streams and continuing through the hilly country, are large tracts of land forming the surface of the hillsides which, while not arable, will afford fine grazing, largely enhancing the lands to which they are contiguous. Among the rock areas of the Harney's Peak range and in the northern portion of the hills, there are regions where the grasses are comparatively wanting, but generally throughout the whole area of the hills a luxuriant growth of the finest grasses is to be found, even covering the ground under the shade of the pine trees upon the elevated divides upon the streams. The abundance and fine quality of the grasses and the shelter afforded to stock by the densely timbered slopes and deep valleys will make it a region well adapted to stock raising purposes.

The timber of the hills is a variety of pine known as yellow or heavy pine. The grain of the wood is straight, rather coarse, splitting readily, and where the trees have escaped the action of fires, and violent gales, good straight logs, free from knots, and from forty to sixty feet in length and from twelve to twenty-four inches in diameter, can be obtained in abundance. Spruce of good quality is found among the canons of the interior, and white birch, oak and elm, of medium size, among the hills on the eastern slope.

The water throughout the hills is excellent in quality, mostly derived from springs among the limestone or the granitic or schistose rocks. Only in localities among the foothills is it contaminated by alkali.

There was no evidence found that the Indians ever lived in the hills or ever visited them, except in the spring to cut lodge poles or occasionally stop and hunt deer among the foothills while passing from the agencies to the upper Missouri. The only reason advanced for the cause of their not living in the hills is the prevalence of severe thunder storms, and the frequency of trees being struck by lightning.

WALTER P. JENNEY, Geologist.

Professor Jenney's expedition was the last of the efforts made by the Government to explore the hills country. And the removal of the large body of prospectors who were found there by General Crook in 1875 was the final effort of the Government to prevent emigration to the mining regions. These important events occurred in 1875, and the following winter and early spring of 1876 witnessed the going in of many thousands of whites, unmolested, save by small bands of Indians who were incited to pillage and kill, not to deter the emigration so much as to possess themselves of the emigrant's animals, and other property. The opportunity afforded could hardly have been more inviting from the Indian viewpoint. The army was disposed to keep its hands off on the ground that the whites emigrating were trespassers, deliberately so, and had been forewarned that they must protect themselves. This turbulent and sanguinary condition prevailed until the treaty was approved in February, 1877. Soon thereafter

we find a small force of troops stationed there to protect the surveying party operating for the Government.

There is nothing in Jenney's report to show that he reached the White-mountain region in which Deadwood and Lead are located, though he was gradually working up to that region when he turned off to the west and went into Bear River District, Wyoming. The first mention the writer has been able to find of Deadwood and vicinity is about mid-winter, 1875-76. We learn that miners are working in the gulch with good success, and have started a town about this time called Whitewood at or near the mouth of Whitewood Creek. It would appear that the advance guard of the miners who were with or following Jenney, and going north, broke away from him at the Little Rapid when the professor turned west, and set out northerly twenty-five or thirty miles, when they struck into the Whitewood district, where they found gold in great abundance. Pearson's statement supports this view, which is herein given. Here we get the first Deadwood news about the 20th of February, 1876, but it appears to be quite well authenticated that placer mines were being worked in the Deadwood Creek in the late fall of 1875. Mr. J. B. Pearson, a Dakotan, claimed to have been the pioneer who discovered gold on Deadwood Creek, and the man who named the creek and the district.

Mrs. J. B. Pearson, of Yankton, received a letter from her husband, who had been in the Black Hills since the summer of 1875. He sent a most encouraging account of his discoveries in the hills, and sent a sample of gold to give emphasis to his claim. He reports that he was located on Deadwood Creek, a stream discovered and named by himself, and afterwards found to be one of the richest gold bearing streams of the hills, and partially surrounded by the most extensive and valuable quartz mines in the country. Pearson had operated there since the fall before, and states that he can take out from \$25 to \$50 a day. Mr. Pearson had been a resident of Yankton for some time before going to the hills in 1875.

Mr. Z. Swearingen was sent out from Yankton to the Black Hills quite secretly early in the month of April, 1875. He was employed by a company to make the trip, for the purpose of gaining reliable information concerning the gold deposits with the view of establishing business enterprises in connection with the hills country in case the prospects of a permanent gold camp would justify it. He was a man of high character, perfectly trustworthy, and an experienced gold miner, having served an apprenticeship in California and Colorado. He went out with the J. B. Pearson party, elsewhere referred to, but he was the only one of the party entrusted with this mission. His instructions were to return as early as practicable after he felt satisfied that he had made an adequate investigation to justify either a favorable or unfavorable opinion. He reached Custer in about ten days and from the first day met with success in his prospecting that surpassed his expectations which had been formed from his career in the gulches of California and Colorado. He spent six weeks at various "diggings" and in prospecting on a half dozen creeks, and returned to Yankton about the middle of June, brim full of enthusiasm. He brought back specimens of placer gold that he had taken out with the pick, and a sack of quartz specimens bearing gold, and unhesitatingly gave it as his opinion that the Black Hills was the richest mineral region he was ever in.

Freight and passenger carrying lines from the Missouri River to the Black Hills grew out of the favorable reports made by Swearingen, who without unnecessary delay arranged his affairs and returned to Custer's camp, where he took a prominent part and a successful one in the development of that section, the French Creek diggings and the founding of Custer City.

THE INDIANS AND THE GOLD DISCOVERY

The Indians realized that the whites were determined to take the country, and their leaders, counselled and abetted or prompted by the whites, began to

them, had concluded to let it go (with every show of reluctance they were capable of assuming, or with a view of "making the best of a bad bargain," but without war or hostile opposition), and to demand an enormous price for the property in cash, which because of their imperfect knowledge of values, they expected to receive, for many of them were under the impression that the hills were largely composed of gold and when the white men owned it, with their superior knowledge regarding mining, they would literally shovel nuggets from the earth.

The visit of the Sioux to Washington in 1875 had apprised them that the Government contemplated their removal to the Indian Territory, and they were advised to consider it; it also revealed a willingness on the part of the Indians to treat for a cession of the Black Hills country. Their general conduct, however, was unlike that habitually displayed by the Indians when visiting Washington; they were disposed to be arrogant, and paid little attention to proprieties in their behavior. They appeared to feel that they were masters of an important situation in which they held the whites and the Government at their command. It was suspected that some of the interpreters used their positions unfaithfully and to the prejudice of the Government in explaining to the Indians the attitude of the Great Father. The Indians were sent home to think over the propositions made them, and to consult their people, and were informed that a commission would visit them later in the summer empowered to make a treaty.

Without undue delay the President next appointed a treaty commission, composed of eminent men, worthily noted for their ability as statesmen and lawmakers, but with two or three exceptions, wholly without experience in Indian affairs or with Indians, and only one of them, Hinman, thoroughly qualified for this mission, which was one of the most important that had ever confronted the United States in its Indian intercourse. The gentlemen selected for this mission were three United States senators, namely: Allison, of Iowa; Howe, of Wisconsin; and Morrill, of Maine; ex-Representative Comingo, of Missouri; Rev. S. D. Hinman, of Dakota; Gen. Alfred H. Terry, U. S. A.; and Bishop Haven, Georgia, who were authorized to go into the Sioux country in Dakota, and make a treaty for the cession of the Black Hills region. Two companies of cavalry accompanied the commission which selected the Red Cloud and Spotted Tail agencies in Dakota as the chief council grounds. After settling a few important preliminaries regarding the place for holding the grand council, a point on Shadron Creek was selected as affording the best accommodations and likewise being best suited to entertain the 15,000 Indians who had been summoned to the council; or rather who had put in an appearance for about twenty-five thousand had been summoned, including all the Sioux belonging to the nation who had an interest in the Black Hills country. The grand council opened on Saturday, September 18, 1875. Representing the Government as commissioners and employees of the commission were United States Senators Howe and Allison, as before named, but there appears to have been a change in the personnel of the body since it was first named, the others at the council being Delegate Jefferson P. Kidder, Dakota; Rev. S. D. Hinman, Santee; Hon. A. Comingo, M. C., Independence, Mo.; Hon. W. A. Ashley, Beatrice, Neb.; H. W. Bingham, United States agent, Cheyenne Agency; G. P. Beauvais, St. Louis, Mo.; J. S. Collins, Omaha. Accompanying as secretaries and stenographers were Evan T. Howe, Wisconsin; J. F. Allison, Dubuque, Ia.; Albert Swan, Fort Dodge, Ia.; and James R. Porter, Omaha. General Terry was also present as a commissioner, and in command of the military forces. A report had been current that the Indians—5,000 hostile warriors from the north who were among the visitors and bitterly opposed to any treaty of cession, intended to kill a commissioner, and there was some anxiety felt not only by the whites present but also by Red Cloud, Spotted Tail and numerous other friendly chiefs who knew the disposition and recklessness of the northern crowd, and through their spies were kept informed of the intentions of the unfriendly element. There was cause

for anxiety where so numerous a body of Indians were assembled, all fairly well armed. The friendly Indians, however, outnumbered the hostiles more than two to one, and were as safe as the soldiers in case of trouble on this occasion. The various tribes, even the peaceable ones, were divided in sentiment regarding a sale of the gold region, but the canvass that had been had, revealed that a large majority were willing to make a treaty of cession provided the price could be satisfactorily divided among the tribes. These questions perplexed the commissioners, who had not reached an agreement as to the best course to pursue in their negotiations; but as a preliminary proposition Commissioner Allison opened the council with a tentative proposition to the Sioux to lease the Black Hills and pay an annual rental therefor. He also stated that the Government would buy the territory and asked the Indians to put a price on it. He stated that the object in leasing would be, in case the yield of gold would not justify the payment of a large sum of money, the contract could be cancelled and the land restored to the Indians.

This proposition was received by the chiefs with manifestations of disappointment, and the chiefs requested that several days be given them to consider; but the commissioners rejoined that they should meet at 10 o'clock the next day and would then expect an answer.

No formal answer from the chiefs was attempted the following day, there was, however, a very emphatic disapproval, not only of the proposition submitted, but also of any agreement for the sale of the hills, which came from the large number of Indians scattered around the council grounds; an opposition of such alarming nature that not only the military were placed by General Terry in readiness for trouble, but Spotted Tail and Red Cloud undertook to array the well disposed of their own people in such a manner as to resist any attack of the hostile element who, it was understood, were bent on the success of the entire commission. It is claimed that Chief Young-Man-Afraid-of-His-Horses took his rifle on his arm at this time and appeared before the hostiles and declared that the first Indian who raised his hand to create trouble would die in his track. After the apprehensions of trouble had in a measure subsided, the Indians, on the 26th, submitted a proposition at the formal council. The Indian proposition was made by Red Cloud, who had selected Red Dog, of the Cheyennes, as his spokesman, who opened the council, and was followed by Spotted Tail for the Brules, and Little Bear for the Cheyennes; Spotted Bear also spoke for the Cheyennes.

Red Dog said:

The Great Father picked you wise men to make a treaty with the Indians. You came here with troops several days ago and this troubled our people. All the young men and old chiefs have reached the conclusion that the great difficulty being experienced was in getting proper interpretation. I want one of our own people to write down what you said, and thereupon grasped a half-breed boy from the crowd of spectators and asked him to do so. And then proceeded: Six generations of Indians have been fed by the Government, and our people now want a guarantee of food and clothing for six generations more, and that the Indians will be ready to make a treaty. We want pay for the gold already taken out of the Black Hills, and want to sell only such portion of the hills as gold has been discovered in, and for relinquishing my right therein I want a light wagon, a suit of harness, one head of cattle, one gun and ammunition for each head of a family, and also that in return when the annuity goods come we want to be furnished a duplicate bill of them, so that some of our own people can examine it. When all these things are done we will then think good men you have to say to us.

Red Dog then retired. Spotted Tail was the next speaker, and said:

Yesterday when we called on you, you were drunk, and you tried to throw a blanket over my head today. I breathe the free air of heaven against my face, people said you can talk to you what I did not wish to say yesterday. If you want our land we want a boundary line, and insist that the southern boundary of the Indian reservation be changed to the mouth of the North Platte River. We also want that you stop what has been going on in the Black Hills. We will only discuss of that portion of the Hills, 100,000 square miles, and that

I mean we will not dispose of the Big Horn and Powder country, as suggested by the commissioners, and we do not want any other road through the reservation to the Black Hills except the one the thieves traveled by (meaning General Custer's trail from Bismarck). We don't want roads running through the Black Hills or through the reservation. I will speak about the rights of the half-breeds and squaw men another time.

Little Bear, a chief of one of the tribes from the Cheyenne Agency, was the next speaker. He said:

The Great Father has got a safe full of money and the President protects it; so we have our mountains of gold and we will protect it to get rich out of it. When the white men have a good thing they get rich on it. Our people want to get rich on the Black Hills, and want the back pay for the money taken out of the hills by the whites. The Great Father sent you out to hear what we have to say. I want you to report to him that as long as an Indian lives he wants guarantees to be fed, clothed and annuities distributed right. The Great Father does very little for us now. We want to be helped and taken care of forever. We want our agent and interpreters changed, and we want the privilege of selecting new ones ourselves. We want priests and Catholic teachers, because we have had all we want of other kinds.

Spotted Tail here resumed his speech, which appears to have been broken off before he had completed it; he said:

We want to retain the agency here on White River and also on the Missouri River (Whetstone) as long as our race exists. If our people move again, they want to get enough money so they can live on the interest forever, and we want good white men with us; want Catholic priests to teach us the white man's ways of reading, plowing, cultivating the soil, and raising stock. We want the white men who marry Indian women to have the privileges of living in the country, and we further want the troops removed from the agencies and put to watching the white invaders and trespassers who are stealing into the Black Hills.

Spotted Bear, a chief from the Cheyenne country, then took the speaker's place, and said:

It looks bad to see the troops around this council ground while we are trying to make a treaty. My tribe want a good deal for the hills, and we don't want the white people to steal them before we sell them. There are a great many bad men on my reservation, and we want Catholic priests to educate our people and make them wise, and we want our Great Father to grant them. We want \$70,000,000 for the Black Hills. The whites put their money at interest, and the Indians want to live on the interest of their money. We want to select the white men and half-breeds in our tribe for traders, and have several trading posts. We want duplicate bills of all goods sent to us so that we can examine them. And we want a telegraph operator at the agency so that we can talk with the Great Father quick when there is anything wrong; and we want the soldiers removed from the agency. We also want the Great Father to give every Indian a house, farm, wagon, horses, cattle, and tools.

At the conclusion of this speech the council closed for the day and reassembled the following day for the final session.

A number of speeches were made by the Indians on the reassembling of the council, which consumed the time so that the commissioners concluded to postpone the presentation of their formal proposition for another day. There were also unpleasant rumors of trouble brewing.

Red Cloud was the most important speaker at next day's council, and seemed to have been authorized to sum up the demands of the Indians. There were 300 chiefs in attendance at this council. Red Cloud said in substance:

I consider the hills more valuable in precious metals than the entire wealth of the United States, and I propose to ask a large sum for them, the principal to be put to interest, and get enough interest to keep the whole Sioux nation. We want President Grant to furnish every year to each head of an Indian family, six yoke of oxen, a wagon, span of horses, harness, a bull, cow, a sow, a boar, sheep and rams, chickens, ducks and geese, and also coffee, tea, sugar, side meat, rice, cracked beans, dried apples, and also a house to live in and the necessary articles to furnish the house. The Government is trying to make a white man out of me and every other Indian, and this is the way to do it. We all want the troops removed from the posts near the agencies, and we want the right of appointing Indian agents, employees and traders. We demand the Catholic missionaries for instructing us. God has given our Indians the Black Hills so that we might all be supported from their

wealth. We are opposed to any roads to the Black Hills except the one made by General Custer from Bismarck, which is the thief's road. We want all the half-breeds and white men married to squaws treated as Indians. We will only sell such portions of the Black Hills country as contains gold, and we will not sell the Big Horn and Powder River

An Arapahoe chief followed Red Cloud, repeating his demand so closely to show that the speeches had been rehearsed before delivery. The Arapahoe chief placed particular emphasis in his voice when he said: "All the Indians have consulted together and want Catholic missionaries and instructors."

The council finally took a recess until the following day, Thursday. General Terry personally placed the cavalry in position and sent out videttes and skirmishers to prevent a surprise and quiet unruly Indians; when more as a matter of policy, it would seem, than with any expectation that their proposition would be seriously considered, the commissioners of the United States, thousands of whom had by this date departed, and submitted a written proposal embodying their plan of leasing and purchasing; and with this the council dissolved without much ceremony, and the commissioners departed for their homes the following day. The following, though not a literal copy of this proposal, embraces clearly the substance of the document:

These propositions made this 29th day of September, 1875, by the United States of America to the Sioux Nation of Indians, on the White River, near Fort Union, Butte, Nebraska.

Whereas, The commissioners on the part of the United States, and the Sioux Nation, having been in a grand council for several days, with reference to the acquisition of certain rights in the Black Hills and the purchase of what is known as the Big Horn Mountain country, the commissioners of the United States, in pursuance of a proposition presented in writing: To purchase the license to mine and also as an incidental thing, the right to raise stock and to cultivate the soil in the Black Hills, bounded and described as follows, to wit: Beginning at the junction of the north and south forks of the Cheyenne River, and embracing all the territory between said rivers lying west of said junction to the tenth meridian of longitude west of Greenwich, the United States agreeing to pay therefor the sum of \$400,000 per annum, the United States reserving the right to suspend or terminate at any time by giving two years notice by proclamation and payment of the full amount stipulated for the time the license may continue, and that at the expiration of said time all private property remaining upon said territory shall revert to the Sioux Nation, and that such an amount of the \$400,000 as Congress shall direct, not exceeding one-third of the sum, shall be expended for objects beneficial for their civilization, and the remainder of said sum shall, in like manner, be expended for their subsistence, or, if the Sioux Nation desire it, to purchase the Black Hills as above described from the Sioux Nation, and in case they do not desire to purchase the same, the sum of \$250,000 in equal annual installments shall be annually appropriated for their subsistence and civilization, and the sum of \$100,000 shall be annually appropriated and expended for purposes of civilization. And the President of the United States shall, under proper restrictions and conditions, construct thereinto routes to the Black Hills country as follows, to wit: One from the north branch of the river and the road meridians of longitude, one from the west fork of the river from latitude forty-three and a half degrees until it reaches the north branch, and one from the west fork of latitude forty-four, also a branch road from some point on the Yellowstone River to intersect either the eastern or southern route at some convenient point and north of the tenth meridian west of Greenwich.

The commissioners further propose to lease all the portion of what is known as the Big Horn country in Wyoming, which lies south of a line drawn as follows, to wit: Beginning at the northwest corner of the State of Nebraska, and running the same westerly direction until it reaches the Yellowstone River, then the northern boundary of Wyoming crosses said river; and to pay therefor the sum of \$100,000 per annum, to be paid in equal annual installments, the sum of \$25,000 to be paid in each year, and the balance of the sum to be paid by the President.

Any agreement which may be made shall be of no effect unless it shall have been submitted to and agreed to by Congress. And no agreement of the United States, and any agreement of the Indians, shall be of no effect until it shall have been submitted to and agreed to by Congress, and signed in accordance with the twelfth article of the Constitution of the United States.

The commissioners propose that no more of the provisions of the above propositions, and after the proposed agreement shall have been submitted to Congress, the sum of \$250,000 shall be expended in the purchase of the land in such cases as may be determined by the President.

It was afterwards contended that the Indian demand for \$70,000,000 for the hills had been made by them under a mistaken apprehension of the amount, or of the meaning of the word "million." That in their vernacular they had no word corresponding that would express that amount, and that they had used the term "million" when they intended to say "a hundred thousand." It was understood that the Indians had been instructed, by interested parties connected by marriage with the tribe, in their demands, which uniformly urged the recognition of certain whites for certain privileges.

Describing the perilous situation at Red Cloud Agency in 1875, when the Allison treaty commission met the Indians representing the entire Sioux nation:

The commissioners had a military guard under the immediate personal command of General Terry. In front of the commissioners there was an open space of fifty feet, where the leading chiefs were seated. Behind the chiefs was a force of United States troops, 500 strong, and still behind these a mounted force of friendly Indians, who rode back and forth in front of the great body of restless, and many of them defiant, redmen, numbering all the way from 5,000 to 10,000, who had come in from the Missouri River agencies and from the northern tribes who were then in war against the Government along the proposed line of the Northern Pacific Railroad west of the Missouri River. These latter were supposed to be watching an opportunity to precipitate disorder and a quarrel, during which turmoil they would execute their plan of massacring the commissioners. The friendly Indians, however, were as resolutely determined to prevent this as were the white troops, and one of the Red Cloud chiefs, noted for his loyalty and daring, caused it to be given out that the first Indian who attempted to fight would be a mark for his rifle. As before related, it was to this assemblage that the commissioners submitted their proposition to treat for the Black Hills—a proposition of such character that did not appear to have the support of a single representative of the Sioux nation. No further proposition was attempted to be made, but the negotiations closed informally with a promise by the chiefs that they would take the proposal under consideration and give an answer in two or three days, evidently not intending to make a reply, but to hold the matter ostensibly open until the commissioners should have time to withdraw to a place of safety, which they did during the succeeding twenty-four hours.

This terminated all efforts at treaty-making for the Black Hills for the time being and until a year later. Immigration, which had been awaiting the result of this treaty council, set in for the hills in greatly increased numbers; but a new danger now confronted the gold seekers—and one fraught with deadly peril. The young Indian warriors abandoned their policy of non-interference with the whites, and for a year following numerous small parties of emigrants were waylaid and massacred, and their property seized. It was estimated that hundreds of whites lost their lives during this period of guerilla warfare.

The current of public opinion held that the commissioners failed because they did not know how to manage the matter; that had they been prepared at the outset with a reasonable agreement to have presented the Indians instead of a tentative proposition, something worth while might have been accomplished. The profitless result of the commissioners' labors left the perplexing problem in a situation not at all improved, and further efforts would be necessary to secure the peaceable relinquishment of the gold fields. A preposterous error was the assembling of such an army of fairly well-armed Indians, many of whom were from the unfriendly camps of the North. It was considered remarkable and most fortunate that the event had not ended in a tragedy.

It is doubtful whether the Government would have assented to the proposed treaty tendered by the Allison commission; and in the light of subsequent events it would have been a lamentable failure in accomplishing the purposes sought by the Government had the proposition resulted in a treaty. It would also have worked great injury to the Indians, involving as it did the payment of large sums

of money, which they would soon have squandered, and been left in a destitute condition. There was a power, apparently, behind the planning of that event that designed to have an agreement that would be of great and lasting benefit to the Indian race, and that power had its way.

The Government had been endeavoring, with its army, to keep intruders off the Big Sioux Indian reservation, guaranteed to the Indians under the Laramie treaty of 1868. Numerous parties of adventurers, numbering from a half-dozen or even less, to 100, in defiance of the prohibitive edicts of the Government, issued by its military and civil authorities, were seeking to invade the gold region during 1875. In the aggregate these parties numbered thousands, and came from the Missouri River points, from the Union Pacific Railroad towns, and from Montana. For the purpose of intercepting the interlopers, the military authorities established military camps or patrol stations on all the practicable routes, and the reserve and patrolled the country, a portion of Custer's famous Seventh Cavalry being engaged in this duty. Many parties were intercepted, arrested and turned back. In some few instances resistance was encountered, when the outfit was practically confiscated, and partially destroyed, and the persons composing the party taken prisoners and escorted to the nearest military posts, where they were paroled after signing an agreement that they would not again attempt to invade the forbidden country until they could do so lawfully.

A case occurred in May, '75, when a company of troops from Fort Randall captured a large train of emigrants that had started from Sioux City, known as the Gordon-Andrews party, and brought a large portion of the party back to Fort Randall. The capture was made by Lieutenant Armstrong. General Sherman had instructed the commander at Randall to require the captured men to sign a parole, as a condition of discharge, agreeing not to make any further attempt to invade the reservation until a treaty was consummated. The party had left Sioux City on the 5th of April, crossing the Missouri River into Nebraska at that point, and following up what was designed to be the Niobrara route, evidently intending to keep south of the Indian reservation. They had considerable difficulty in making headway, owing to the natural obstructions in the route they had selected, and found it necessary to encroach on the reservation grounds in their progress. It was a numerous party, composed principally of young men from eastern and southern points. A list of their names is given, it being by the arrest of this company that the legality of the procedure in capturing the emigrants found its way into the courts of Dakota and Nebraska, resulting unfavorably for the Government.

Edwin F. Hobart, W. H. Pletcher, Warren, Mich.; J. E. Bly, Independence, Mo.; Charles Bodey, James Munroe, Sam Bushnell, Minneapolis; Mile Hahf, Eastport, Ill.; George W. Hemington, Valparaiso, Ind.; Lewis Fuss, Red Wing, Minn.; Allen A. Spangler, Rockport, Ill.; Loyal Richardson, Geneseo, Ill.; George A. Webster, Dover, N. H.; James Forman, Belle Plaines, Iowa; Willis F. Taylor, Mercelius, Ind.; C. W. Pritchard, Richland, Wis.; W. C. Barnes, Orange, Ala.; E. G. Mayfield, Richland, Wis.; James H. Oak, Booneville, Mo.; J. T. Olmstead, Independence, Iowa; Isaac Boat, Battle Creek, Mich.; John A. De Jock, Kearney City, Neb.; W. H. McNiell, F. M. Roberts, Burlington, Iowa; J. A. Curtis, St. Louis; L. A. Doble, Eugene L. Smith, St. City, Iowa; Thomas J. Jordan, Tiffin, Iowa; H. R. Copperstone, Youngstown, Pa.; V. P. Kely, W. Va.; John B. Delaney, Delavan, Wis.; John Marshall, Wheeling, W. Va.; Thomas A. Burd, Chester, Delavan County, Pa.; C. A. Skinner, Warren County, Ind.; Joseph Monroe, East Minneapolis; Henry Churchill, David Williams, Independence, Iowa; Joseph Fuller, Wabasha, Minn.; M. Mitchell, Sioux Point, D. T.; Thomas Nutt, Allen Patterson, Westmoreland, Pa.; O. F. Aldrich, St. City, Iowa; William F. Dempley, Boston, Mass.; O. J. Smith, Milwaukee, Wis.; George Andrews, L. M. Lampson, Thomas Phillips, Ben J. Smith, Haod Broom, C. I. Wilson, Sioux City, Iowa; Charles E. Solis, St. Clair, Mich.; David Brown, Cincinnati, Ohio; Peter A. Hurst, Richmond, Ind.; Lee Goddard, Fulton, Ill.

H. Gage, Elgin, Ill.; Black Blackman, Otis Blackman, Joe Skaffington, Evansville, Ill.; D. L. Wharton, Oakville, Iowa; H. B. McNeil, Burlington, Iowa; R. A. Barnes, Sioux Falls, S. D.; C. G. Wilson, George Smiley, Sioux City; John Aester, L. C. Kerney, Boston, Mass.; V. P. Shown, Idaho; Henry Needt, Chester, Pa.; A. L. Cox, San Francisco, Cal.

Of the scores of parties who were intercepted and turned back or placed under arrest, there were but two cases that were turned over to the civil authorities charged with a violation of the treaty stipulations. First of these was John Gordon, of Sioux City, leader of the Gordon-Wharton-Andrews party, numbering about a hundred people; a nearly complete list of their names appears in the preceding paragraph. The party was intercepted on the reservation. Gordon proved defiant, escaped, made his way to the hills, was later recaptured and turned over to the United States civil authorities of Nebraska. He was imprisoned, released on bond, and the case came to trial before Judge Dundy, presiding judge of the United States District Court for the District of Nebraska, who, after a hearing, ordered the discharge of Gordon, as the treaty of 1868, under which the Government was endeavoring to exclude emigrants to the hills, was of no legal force or effect, it never having been ratified by Congress, but by the Senate only, which was only one house of Congress.

Charles E. Solis, also a member of the Gordon party, who, with over fifty others, was taken to Fort Randall, where they were offered their liberty on condition that they would sign a parole agreeing not to again trespass upon the Sioux reservation. Solis refused to sign the parole on the ground that the military had no authority to require it. He was taken to Yankton and turned over to the civil authorities, and was placed in the custody of the United States marshal, who locked him up. The case was referred to Washington, but before an answer was received Solis employed counsel, Hon. S. L. Spink, who had his client produced in court and demanded to know the cause of his detention as a prisoner. The court was not prepared to answer. It was a very important matter, and the first case involving the legal status of these trespassers that had reached the judicial tribunals of the Government. There were no precedents for an offense of this character. A thousand Black Hills bound emigrants had passed up the Missouri valley during the season and many more were on the way. The Solis case therefore became of absorbing interest and military witnesses were in attendance from Fort Randall. Solis was a determined man, and possibly a lawyer himself, for he seemed to feel that he had the best end of the controversy. He engaged eminent counsel—Hon. S. L. Spink, Hon. Bartlett Tripp, and Oliver Shannon, Esq. The Government's side was looked after by a very capable United States district attorney, Hon. William Pound. The preliminary examination took place before United States Commissioner Congleton, where the fact was established that Solis had been captured on the reservation, where he had gone in defiance of the edicts of the military authorities; and no effort appears to have been made to prove whether this was an offense against the laws of the United States; still, the good, loyal commissioner, deeming it a case of too much importance to be adjudicated in his court, decided to hold the prisoner to the United States District Court, and fixed his bond at \$200. Yankton was the seat of the United States court for the Second District. Solis was again locked up, and on the 27th of May his attorneys secured a writ of habeas corpus and the prisoner was brought before Chief Justice Shannon, where a judicial inquiry was had to determine by what authority he was held in durance. Judge Bennett, of Vermillion, sat with Judge Shannon during the learned arguments, which occupied an entire day, and when concluded the judge took the case under advisement. Judge Dundy's decision had not at this time been announced.

The contention of the United States had been based on two sections of the Revised Statutes, to-wit: Sections 2134 and 5440, as follows:

Section 2134. Every "foreigner" who shall go into the Indian country without a passport from the Department of the Interior, superintendent, agent or subagent of Indian affairs,

or officer commanding the nearest military post on the frontier, or who shall return intentionally thereon after the expiration of such passport, shall be liable to a penalty of \$1,000.

Section 5440. If two or more persons conspire either to commit any offense against the United States, or to defraud the United States in any manner or for any purpose, and one or more of such parties do any act to effect the object of such conspiracy, all parties to such conspiracy shall be liable to a penalty of not less than \$1,000, and not more than \$10,000, and to imprisonment not more than two years.

The United States attorney, it seems, had found nothing in the Indian treaties that provided any remedy for a case of this kind and, apprehending that there would be a great many arrests made by the military authorities for an offense similar to that alleged against Solis, had given much research to the law books, anxious to fortify himself for the flood of business which seemed inevitable from the frequent arrests made by the troops, and the continued march of gold-seeking parties up the Missouri valley through Dakota, whose objective point was the Black Hills. It was necessary, therefore, that he should know that he had a solid foundation for prosecuting the interlopers. Accordingly, he took the precaution to telegraph the attorney general of the United States at Washington for his opinion, quoting to that official the sections of the statutes under which he had proceeded against Solis, and received in reply the following:

Washington, D. C., May 28, 1875.

To William Pound, United States Attorney, Yankton, D. C. T.

Section 2134 does not apply to citizens of the United States. Section 5440 does not apply, as no statutes make a breach of the provisions of the Sioux treaty an offense against the United States.

EDWARDS PIERREPONT, Attorney General.

On receipt of this official information the judge dismissed the action on the ground that his court had no jurisdiction. Solis was set at liberty, and stated that he would bring an action against the military people for false imprisonment; but as nothing further connected with the incident came before the court, it is probable Solis concluded to drop the matter.

Mr. Pound, attorney for the Government, had taken the position, in his argument to the court, that the term "foreigner," in Section 2134, applied to all white citizens and aliens, when caught trespassing upon the Indian reservation.

These court proceedings did not appear to have any influence whatever upon the volume of immigration to the hills; but it may be properly presumed that they had an important influence upon the execution of the prohibitory orders regarding the invasion of the Sioux country by the whites, for it was observable as the season advanced that the vigilance of the military was notably relaxed, and in place of intercepting immigration the attention of the military was given to conditions in the hills, where, it was estimated, about five thousand whites were living scattered at various points in the hills, and engaged in prospecting, and in a few instances engaged in the systematic working of placer mines. Out were yielding profitable returns.

The exclusion policy had been impotent to keep the invaders out, but the Government's efforts to enforce it during latter part of the season did not extend beyond an occasional mild remonstrance, which called forth no serious trouble from the main body of citizenship. Some elements, unacquainted with the situation, were inclined to take an uncharitable view of the leniency of the authorities, but the vast majority commended the course as wise, humane and best for all concerned. The Government seemed determined to avoid any serious conflict with its citizens, and especially so in view of the almost absolute certainty of an amicable treaty being made with the Sioux for the transfer of the gold lands within a reasonable time. The occasion was one that demanded the exercise of a wise prudence to avoid serious difficulties.

CHAPTER LXXI

MINERS AT WORK IN NORTHERN HILLS. DEADWOOD FOUNDED

1875-76

GOVERNMENT OFFICIALS CONCLUDE TO RELAX THE RIGID RULES OF EXCLUSION—
REPORT OF COMMISSIONER OF INDIAN AFFAIRS—PRESIDENT GRANT'S MESSAGE
—THE BLACK HILLS FEVER AMONG DAKOTANS—LETTERS FROM DEADWOOD: PEAR-
SON, GAY AND OTHERS—INTERVIEWS WITH CAPTAIN KELLEY, JOHN BRENNAN
AND OTHERS—THE DISCOVERER OF DEADWOOD GULCH—GOVERNOR PENNINGTON
DECLINES TO ORGANIZE COUNTIES.

Early in November, 1875, a council was held in Washington, which was attended by President Grant, General Sherman, Secretary of War Belknap, Secretary of the Interior Chandler, General Crook and General Cowan, at which the question of excluding immigration to the Black Hills was discussed, and the result of the conference was given out that the Government thereafter would observe a neutral attitude toward the miners who were crowding the thoroughfare leading to the hills. A party numbering about four hundred had recently left Cheyenne on the Union Pacific Railroad for the El Dorado, and it was stated that the members would not be interfered with by the Government, the conclusion having been reached that the ordinary peaceful methods it had pursued of intercepting these parties and escorting them beyond the reservation, did not lessen the number who were willing to risk arrest, and to adopt a more rigorous policy toward the invaders, under the circumstances existing, was not to be considered. Congress would convene the month following. It was determined to let matters drift until Congress met, when that body was expected to inaugurate a practical plan for meeting the emergency that would have the sanction of law. The authority under which the military arm of the Government had thus far acted were the treaties with the Indians, and as these had failed to be upheld by the courts, and the Indians were making no attempts to stop the immigration, evidently viewing it with favor as a valuable aid to their proposed sale of the domain to the Government, the gold fields were practically opened to the whites in the late fall of 1875, and thousands of adventurous men had already occupied them.

REPORT OF COMMISSIONER OF INDIAN AFFAIRS

The report of the commissioner of Indian affairs (Hon. E. P. Smith) to the secretary of the interior treats at length the situation confronting the Government by the persistent disregard of the Government's efforts to prevent the emigration of white people to the gold fields, in utter defiance of the treaty of 1868, and the claimed vigilance of the military. The commissioner says:

One thousand or more miners have made their way into the hills in the face of the most stringent orders of the military. These miners have organized into an association for mutual protection, and have adopted laws and regulations; have staked out and reserved

their claims in the right to which they expect to attain in the future. In the consideration of affairs there is but one alternative for the Government, either to support the military force so as to compel a strict observance of the treaty rights of the Sioux by preventing all intrusion, or to put such restrictions upon the exercise of the land bounty now granted to the Sioux as to form an argument that will be likely to prevent their coming to the possession of this country. Unwilling as I may be to confess to the existence of the first course, it proves the utter impracticability of keeping American soldiers out of a country where such exists by any fear of a cavalry patrol or by any combination of the troops of the United States. The occupation and possession of the Black Hills is quite certain, and the Government exists for making this inevitability an occasion of wrong to many tribes. If the Sioux were an independent and self-supporting people, able to take care of themselves, the United States Government should leave them alone in possession of their own country, and in yearly receipt until 1888 of such amount as the treaty of 1868 guarantees them; there would be a show of wrong, which is not now so clear, in not persistently asking for a portion of their country. As original proprietors of the land, and as occupants in perpetuum by formal contract on the part of the United States, the Sioux would be entitled to be let alone; but unfortunately for the Indians the facts are otherwise. They are by no means capable of any support. The withdrawal of Government troops this summer season would reduce them to starvation or to a life by marauding. While then the provisions upon the bounty of the Government in the sum of \$1,250,000 annually above all amounts specified by treaty stipulations, the Sioux are not in a position to be let alone. If the Government is obliged from considerations of humanity and the protection of the frontier, to supply the necessities of these Indians by rations, it may properly be asked if the Government shall have an equivalent in gold fields. A system proposed at this point would be far preferable to a continuation of the present disturbed condition of affairs.

The secretary of the interior, Hon. Zach Chandler, in whose department Indian affairs were controlled, endorsed the views and also the recommendation of the commissioner:

The peace policy of the Government in dealing with the Indians had been found to work advantageously, and coupled therewith was the industrial system which had been partially established among the Sioux. This had been found to work well where the Indians were so environed that the inducements of the chase were taken away, and in their place encouragement given to plant, and raise cattle and horses. The time has come when it became necessary to bring a certain compulsion upon the Indians to induce them to labor, and thus the Government was in position to do by returning the Indians to perform some kind of manual labor in return for the rations and clothing furnished by the Government. The welfare of the Indians, as well as justice, demanded a persistent and humane policy of this kind. There can be no doubt whatever that so long as the government of the Sioux Indians are encouraged to occupy their proper location near the Big Horn and Grand Tail agencies, and allowed to roam at will over their vast reservation, and to travel west to the Big Horn mountains and to the Powder River and to the Yellowstone, they can make no progress whatever, and must be led back after each year of idleness.

The failure of the negotiations by the Commissioner has necessitated the adoption of some measures to relieve the department of the great embarrassment resulting from the determination of a large number of citizens to enter upon that portion of the Black Hills known to obtain the precious metals which the official report of the geologist put forth by the Government shows to exist therein. The only course now taken by the Government to prevent the influx of miners into the Black Hills is a system of military guards to operate as the surest safeguard of the miners against the attacks of Indians. As soon as the military force is withdrawn, and the military presence is removed, the miners must again expel the miners, and, while doing so, must have the military presence as soon as the military surveillance is withdrawn, and the military presence must be maintained again. Some of the miners have been captured and are now in the hands of the military, and much embarrassment is being done, and the Indians are suffering as a result. The preliminary report of the geologist, which was made by the Commissioner of Indian Affairs, in regard to the geological and geographical features of the Black Hills, indicates clearly the great importance of the discovery of gold and silver in this country, and will greatly enhance the confidence which has already been placed in the policy of protecting the Sioux in their treaty rights. The Commissioner of Indian Affairs, in his report, has urged the necessity of the military presence in the summer season will undoubtedly be maintained, and the military presence will be maintained. It is true that the Indians are now in a position to be let alone, and the Government is giving without an equivalent.

years to come, or they will starve. It is submitted, therefore, under these circumstances, for the consideration of Congress, whether it would not be justifiable and proper to make future appropriations for supplies to this people, contingent on the relinquishment of the gold fields in the Black Hills and the right of way thereto.

President Grant, in his annual message to Congress, December 7, 1875, briefly alludes to the Black Hills problem in these words:

The discovery of gold in the Black Hills, a portion of the Sioux Reservation, has had the effect to induce a large emigration of miners to that point. Thus far the efforts to protect the treaty rights of the Indians in that section have been successful, but the next year will certainly witness a large increase of such emigration. The negotiations for the relinquishment of the gold fields having failed, it will be necessary for Congress to adopt some measures to relieve the embarrassment growing out of the causes named. The secretary of the interior suggests that the supplies now appropriated for the sustenance of that people, being no longer obligatory under the treaty of 1868, but simply a gratuity, may be issued or withheld at his discretion.

EXPEDITION FROM YANKTON

The Black Hills fever prevailed quite generally throughout the towns and settlements of Dakota in 1875-76. In the winter an organization was formed in Yankton, having for its purpose a reconnoitering survey of the best routes from Yankton to the hills. William Leeper, H. C. Ash, who was a deputy United States marshal; W. P. Lyman, A. M. English, Charles H. Bates, Fred Edgar and William James, were selected and employed by the association, with George Heinckle, a surveyor and frontiersman, to make the trip and find the shortest and most practicable route. Parties from Union and Clay counties joined this expedition, which left on the 8th of February, and were joined a day later by a party composed of M. A. Baker, George W. Smith, Al F. Wood, Will Brisbane, Nelson Smith, Frank Coulson and Harry Ash.

A portion of the party, including Messrs. Leeper, Ash, Bates, Lyman, English and James, returned late in March, having gone through to Custer City by a route from near Fort Pierre, quite direct to the crossing of the South Cheyenne, thence to their destination. They found an abundance of wood and water, and considerable cured buffalo grass on the light snow-covered plains.

At Custer Deputy United States Marshal Ash arrested Fritz Drogmond, or Draughmond, for selling liquor on an Indian reservation, and had not paid his special Government tax, and brought the prisoner back to Yankton for trial, where he was indicted by a United States grand jury the following April, tried, found guilty, and sentenced to pay \$30 fine and to be imprisoned twenty-four hours. There were extenuating circumstances connected with the case, and the prisoner from the time of his arrest had conducted himself in a manner that had won the sympathy and respect of the officers of the court, who were all very much gratified at the mild sentence. This was the first legal arrest made in the Black Hills.

A Union County party, led by Charles Brughier, a half-breed son of Theophilus Brughier, made a successful journey to the hills in April, 1875.

W. T. McKay, of Bijou Hills, Dak., who was employed by Custer as a miner to accompany his expedition to the Black Hills in 1874, was a member of the Dakota Legislature the following winter, and talked quite freely of that country. He had visited various points and under instructions from the scientific parties accompanying Custer had prospected for placer gold with fair success on Elk Creek, Box Elder Creek, Swift Water, Burntwood, Putty Creek, Creek of Many Springs, Frenchman's Creek (Custer's Gulch), and right north of Harney's Peak on what he believed to be the Swift Water. McKay, with Maj. W. P. Lyman, of Yankton, led a party of Dakotans to the hills in the spring of 1875.

EXPEDITION FROM BISMARCK

A party of about thirty, headed by H. N. Ross, who was with Custer as a mineralogist and prospector, left Bismarck for the gold fields of the Black Hills

in December, 1875. Six months' provisions were taken along, the party intending not only to spend the winter in the auriferous region, but make a permanent settlement unless disturbed in their plans by the military. Ben C. Ash, formerly of Yankton, with a small force, had preceded this party from Bismarck for the purpose of laying out a practicable route. The Ash party met with no opposition from the Indians nor military, and found a good route to Hill City, that being one of the thriving camps at the time; and Deadwood and its environs, being at the time either unexplored or not sufficiently known to attract the emigration of that winter. The Ash party made the return trip to Bismarck in seventy-two hours' traveling time; estimated that the length of their road was about two hundred and fifty miles. The names of the Ross party, which started out in December, prior to Ash's return, were:

H. N. Ross, William Boughton, T. G. Jones, William Burcher, J. J. Sutherland, George Anderson, Nathan Brosier, Isadore Belanguiet, Joseph Smith, George Catlin, Roger Bacon, George W. Stone, Oscar Brackett, Mike Stone, Adam Cable, William Harvey, Theo Shenkenberg, John Kennedy, Henry Dean, John McClellan, H. Tousley, Frank Stone, Robert Hams or Harris, Louis Constenois.

The Ash party referred to was composed of Ben C. Ash, J. Dodge, Ed Donahue, W. H. Stimpson, R. R. Marsh.

The outpouring for the Black Hills as early as February, 1876, is well illustrated by the following, published in the Bismarck Tribune of February 8th of that year:

Forty-seven teams, loaded with provisions and passengers, left with the steam train all outfit for the Black Hills yesterday and today. Thirty more will leave Wednesday with freight and passengers, among which are several families. California Joe pilots the party, assisted by Ed Donahue and Tom Winston, as scouts. The party is well armed and mounted, so Mr. Lo had better keep clear of the boys. Several teams arrived last evening from Standing Rock, and from up the river, to join the party. At least seventy-five teams and 150 persons will leave during the week. Fred Hollemback goes out with a herd of cows to start a ranch; Joe Pennell, Thos. Madden, Bob Roberts and others go as traders; Wm. Smith and family go to settle permanently. O. Nichols, partner in J. W. Raymond & Co., goes out with a stock of miner's goods to locate and establish a wholesale and retail commission house; George Gibbs to start a blacksmith shop; Thomas Winston, Ed Donahue, W. B. Shaw & Co., are the Black Hills Lumber Company; Mr. Downing sends the mill through on contract for Mr. Hobart, who takes out a large lot of sash and glass. Mr. Hobart also takes a shingle mill. Mr. Downing takes out fresh pork, butter, lard, sausage, etc. The trip will be made in fourteen days.

The two Black Hills parties organized by Scott Goodwin and A. F. Gray left Yankton for the Black Hills, February 24, 1876. The names of the company were A. F. Gray, O. H. Platt, Israel Volin, Drew Palmer, Martin Dutcher, James Gill, Walter Turner, Martin Kilbridge, Alex Smith, James Magnei, William F. Lyon, George Hughes, Capt. James Hughes, James Cranty, John Haffnel, Mr. Erskine, Martin Kilbride, Mitchell Magnei, Dana Todd, L. L. Hatch, Eugene Little, James McCormick, Patrick Rois, Aug. Nichols, Frank Vesina, John Walsh, James Walsh, Peter Lynch, James McKay, James Munkhouse, Milt Brisbane, E. J. Walsh, Matt Murray, John Magnei, Wm. Tarrant, F. Smith, S. Smith, W. H. Frederickson, John Crantz, Frank Gill, Joseph Dupuis, J. C. Sherman, Aug. Kibs, D. B. Benedict, Scott Goodwin, Wm. Ferguson, Michael B. Jones, Dewitt, Vincent Earle, George Jones, John Ingwersen, T. Rumsy, J. L. Jones, Philson Davis, L. A. Carney, M. H. Kendig, J. P. Martin, Joseph Johnson, Joseph Vahoning, Frank Lenger, R. Walker, George Davis, P. Hawley, and J. S. Phillips.

BLACK HILLS TRIP.

In giving place to the letters and other testimonials of early miners made in the Black Hills, the purpose is to give credit to those Dakota pioneers

foremost in the enterprises, and at the same time furnish testimony from first hands which can be relied upon as authentic.

Nothing of consequence appears to have been heard from any reliable sources regarding the hills country north of the Little Rapid Creek, until late in the winter of 1875-76; but when the earliest information reached the public it appeared that considerable prospecting had been done possibly as early as the fall of 1875 on Whitewood and Deadwood creeks and by far the richest placers in the hills known at the time had been partially opened up and were yielding much gold.

A letter written from "Deadwood Creek, Lost District," March 31, 1876, by Wm. Gay to J. W. Crawford (Captain Jack), at Omaha, gives an early view of conditions in the Deadwood Gulch and the regions in the vicinity of what has since become the richest of the gold producing country. The writer says:

I arrived here yesterday and found everything all right. We had a very hard trip. The snow is about three feet deep and still snowing. There is quite a change here since I left. Instead of eighteen men there are several hundred. There has been a number of discoveries made since I left, both in placer and quartz. The weather has been so cold that prospecting has been very difficult, but wherever it has been tried they got good prospects. Prospects on Deadwood and Whitewood are from ten to twenty-five cents, and as high as \$1.30 to the pan, while on some of the side gulches emptying into Deadwood, there has been as much as \$5.00 to the pan. There have been a number of claims sold at prices varying from \$500 to \$4,000.

When I got here the townsites I spoke to you about had all been taken up and all the lots taken. One is at the mouth of Whitewood, and is called Creek City; the other is a short distance below the mouth of Deadwood, on Whitewood Creek, and is called Whitewood City. We are going to lay off a town here on Deadwood to be called Gay City. I will reserve a lot for you. Tell Curran that if he had come over with me he could have had a chance to get a good claim on shares, but they are all taken now. Old Dan had sold his discovery claim before I got here. We have particularly developed some of the ledges we had staked, and two of them proved to be very good. I send you a specimen from the "Giant" lode, owned by Wm. Gay, A. H. Gay, M. J. Ingoldsby, E. D. Haggard, D. Meckles, and J. B. Pearson. We have another ledge that we consider better, called the "Blacktail," owned by the same parties. We propose to start on a prospecting expedition as soon as the snow leaves sufficiently, and if I find anything I will try and give you a show.

The Indians have made several attacks at the mouth of Whitewood, and have succeeded in running off about one hundred head of horses. There have been two men wounded by them, but neither of them seriously. Last night they made an attack at the mouth of Bear Butte Creek and run off seven horses. We expect more trouble with them when the snow leaves, as they, we suppose, will come with more force. As yet none have been seen far in the hills, as they cannot ride in. They have confined their operations to the foothills.

Yours truly,

WM. GAY,

Deadwood Creek, B. H.

J. B. PEARSON'S STATEMENT

The following statement of a year's experience in the hills from June, 1875, to June, 1876, being prior to the making of the treaty with the Sioux for the Black Hills country. The statement was made to the editor of *The Daily Press* and *Dakotan*, June 7, 1876, and was the first authentic intelligence given to the public concerning the mineral resources of that portion of the hills, since become famous as the Deadwood mining regions and the Homestake mine. It is probable that the quartz lodes named and mentioned by Mr. Pearson, or a portion of them, subsequently came into the possession of the owners and organizers of the Homestake Mining Company. The General Terry Lode was without doubt absorbed by the Homestake and also the Big Giant. As one of the earliest authentic reports from that country, Mr. Pearson's statement is entitled to a place in history.

Mr. John B. Pearson's mining experience commenced in California in 1852. Since that time he had worked at placer and quartz mining in British Columbia, on Frazer River and Caribou, in Australia, in Idaho and Montana, and was, perhaps, as competent to speak of the mineral resources of the Black Hills as any man living. He had resided in Yankton



FAVORITE FRONTIERSMEN OF DAKOTA TERRITORY BE HING THE BEAVER
HILLS OPENING YEARS AND LATER

Left to right: Lige Green; James B. Hiseock; Wild Bill; W. E. Gault; Buffalo
Bill; J. B. Gmshindro (Texas Jack); Gene Overton

for many years and was known as perfectly trustworthy and reliable. His wife and daughter remained at Yankton during Mr. Pearson's sojourn in the hills.

Mr. Pearson left Yankton for the Black Hills, May 4, 1877, arriving there August 10th, having been turned back once by the military. He crossed the Missouri river some miles below Fort Pierre, instead of at that place, in order to avoid the soldiers. He was accompanied by Dick Low, Jim Pieman, Thos. Moore, Frank Bryan and two others. They went in with ponies, taking their provisions on pack animals. Struck the hill on the head of Elk Creek, and crossed the range till they came to Whitewood, where he found good prospects twenty to forty cents to the pan. Remained there for some time, then went on and jerked deer meat straight, and finally in company with one other party went out to the Laramie and purchased six months' supplies, returning to the hills with a train of twelve wagons, a portion of which belonged to men who joined him at that place.

Mr. Pearson, with five companions, namely: Tom Blake, Geo. Lindley, Al Gay and William Gay of Yankton, and Dad Haggart, settled in the Whitewood region on Deadwood. They organized a sort of co-partnership under which the rock claims, lodes and quartz lodes. Their placers were taken as individual property, but their operations were company affairs. These six remained together until the spring; in the meantime, during the winter, each of the party wrote to friends in Yankton guaranteeing them \$100 a day. Not doubting but what the Yankton parties would come on, Pearson made two trips during the winter to meet them, but was obliged to return to his cabin disappointed. Finally the party abandoned the hope of inducing their friends there, and believing their own resources required more people, they let it be generally known that rich mines had been discovered in the Whitewood region and in a very few weeks their numbers had increased from a half dozen to 3,000 men.

"Actual work did not commence in the Whitewood section until in April, 1878. Some time about two thousand claims have been located, and 350 of these opened and are now being worked with profit. On the remainder the owners are now at work opening them and will soon begin to realize profits.

"The Whitewood rich gold producing region embraces an area that will average some miles in width by twenty in length, its largest area extending north and south. It embraces a number of streams and gulches, known as Deadwood, Bob Tail, Gold Run, Four Tail, Split Tail, Cape Horn and others, and has been divided by the miners into four districts, called Cape Horn District, Whitewood District, Lost District, which includes Deadwood, and Gold Run."

Mr. Pearson's operations had been principally confined to Lost District on Deadwood Creek, though he has prospected every section with good success. At present he is now working three placer claims and two quartz lodes. His placers are yielding from twenty to forty dollars a day to the man. His quartz lodes are paying nothing, but the prospect is unmistakably good, and he is sinking a 75 foot shaft on each of the lodes. There are about two thousand men engaged in the Whitewood region. Concerning the yield of gold in special cases, Mr. Pearson gave the following:

"Wheeler & Co., Montana men, in Lost District, are taking out from \$500 to \$800 a day to 8 men.

"Bob Kenyon, in the same district, is taking out \$200 to \$300 a day with 4 men.

Claim No. 8, on Deadwood, is yielding \$80 to \$100 a day to 4 men.

"James Scott and Parker & Co., Manitowoc, Wis., parties, have claim No. 2, on Four Tail in Lost District, and are taking out from \$10 to \$20 a day to 4 men. These parties run three claims. Dad Haggart sold three placers and an interest in a quartz lode for \$2000.

A claim is 300 feet in length and extends on either side of the gulch to what is known as the second rim of the bedrock. Above these are the hill claims.

Mr. Pearson estimated that the placers in the Whitewood region would at this time yielding \$10,000 a day and not one claim in ten is being worked but two. When the Whitewood region is fairly opened it will employ over two thousand men and will yield an average of \$100,000. It will take from eight to ten years to exhaust the placers already located, while quartz mining of the most productive character will come a later date, and be the permanent industry of the country, giving employment to thousands of miners.

Provisions were scarce. When Pearson left the hills there were not in excess of two weeks' supply of provisions on hand and in sight. About twenty teams went north, with half all of whom are out solely for supplies. Two parties, Capt. C. H. Montgomery and Mr. Wood, came in to Pierre with eight teams, and have spent more than twenty to eight thousand dollars to invest in supplies. Pearson has sold for \$1000 in gold three and left the greater part of it with Edmunds & Wynn, bankers of Yankton, who shipped it to the United States mint at Philadelphia to be coined.

The comparative value of the Black Hills gold mines, Whitewood mines, may given by Mr. Pearson, in these words:

"It lays over Alder Gulch, Montana the richest placer mine ever before discovered, because the Alder Gulch was spotted with the Deadwood in color and the same material and is the richest and most extensive placer gold field that has ever been known.

Mr. Pearson brought with him a region of quartz lodes from which they had on the divide between Deadwood and Blackfoot. These lodes are mostly lodes, and are "located" in that locality and all show good prospects. The operations, however, are by Mr.

Pearson were taken from the Big Giant, Black Tail, Gold Run, and General Terry lodes. The first three named are the property of Pearson and partners, while the latter belongs to another party named in the following note, who sent out a piece of the quartz weighing several pounds to be assayed:

"A piece of ore from the General Terry ledge, situated on Bobtail Gulch, a tributary of Deadwood, Black Hills, Dakota Territory, owned by A. C. Harney, Alex Engle and Manwell Bros. Width of vein twelve feet, pitches west at about sixty degrees, running about northwest and southeast."

The nearest, by far, and most practicable route will be from Fort Pierre to Grindstone Buttes, out about fifty miles, then leaving these buttes to the left, strike the South Cheyenne six miles above the forks, thence to the mouth of Elk Creek and up that valley to its head, thence to Crook City—distance from Fort Pierre to Crook City 140 miles. Crook City is at the mouth of Whitewood and will be the metropolis of that mining region. It is easily accessible by the route mentioned. The distance from Crook City to Cheyenne by the route mentioned is over three hundred miles. Freights can be carried in from Pierre at one-half the price they can be hauled from Cheyenne.

Pearson's party saw no Indians coming out. The miners have not been annoyed by Indians since last February, and do not feel the least alarm from that source. What they want is provisions, mail lines, and good citizens. The miner's laws are very rigid, thorough and rigidly enforced. Bad characters are not wanted there and not tolerated. The feeling among the miners is to stick unless driven out by starvation. They are aware of the great richness of the country and will not abandon it unless driven out by famine.

Deadwood Creek, Black Hills, Feb. 20, 1876.

GEN. C. T. CAMPBELL, Yankton.

Dear Sir: As one of our party leaves for Spotted Tail in the morning, I take this first opportunity I have had to let you know of my whereabouts. Deadwood Creek is a tributary of Whitewood Creek, emptying into it from the southeast, ten miles from Bear Butte. I am located on Deadwood, two miles from its mouth. There is a scope of country here about twenty miles square, taking in Whitewood, Deadwood, Blacktail, Bob Tail, White Tail and Grizzly creeks, which have all prospected good—from 25 cents to one dollar to the pan.

A gentleman just came in from Bob Tail. He got \$5.00 in an hour on that creek. We sluiced two hours on this creek and got \$24.00; but the weather has been so cold for several weeks that we have not done anything. We hope to be able to get to work in a week or two. We are getting some supplies from Cheyenne and Sidney, but from those points they have to come through the hills and over a very rough country, while from some point on the Missouri River, say Fort Pierre, there could be a good road and much shorter, and I can't see why some of your enterprising citizens are not awake to their interests. We are 350 miles from Cheyenne, and a part of the distance has to be made with pack animals, while from the Missouri we are only 120 miles, and a good road could be made the entire distance.

We have partially located a town at the mouth of Whitewood Creek in the foothills, which is in close proximity to the prairie. I feel confident that we have the richest and most extensive gold fields in the Black Hills, both in placer and quartz. The placer diggings I feel confident, will pay \$25.00 a day to the man. I have found several quartz leads that prospect well. I send you a small specimen of gold taken from the crevice of Black Tail Lode, and I would send you some of the ore but have no convenient way of sending it. This specimen I send you came from about five pounds of decomposed quartz taken from the lode. The lode is fifteen feet wide between the walls, and we are down twenty-five feet—and bids fair to be one of the richest lodes in the country. We have several other lodes that indicate silver, but they are not sufficiently developed to state positively as to their richness.

We are sadly in need of a sawmill, and if you know of anyone who has a sawmill I could guarantee they would do well. All the lumber that has been made here has been made by the primitive way of whip-sawing, and for that they charge \$150 a thousand.

I am in company with five experienced miners—Mr. E. Haggart, from White Cloud, Kans.; Wm. Gay, from Ohio; M. J. Ingoldsby, from Steubenville, Ohio; J. B. Pearson, from Yankton, Dakota; and Daniel Meckles, from Lancaster, Penn., and they all say it is the best mining country they have ever been in.

We had a very pleasant visit from Captain Kelly, of Yankton, a few days ago. He intends to locate in this gulch. We have a very good cabin and enough provisions to last us until the bad weather is over, but we have no reading matter of any kind. I would like very much if you would send me some papers.

The Indians made us a visit a few days ago and got ten head of horses from the miners. They pursued them but did not succeed in overtaking them. They were supposed to have been from Cheyenne or Standing Rock agencies.

Snow north of us is about three feet deep in the mountains, but on the prairie there is scarcely any.

Very respectfully,
A. H. GAY.

Capt. James L. Kelly, who had resided in Yankton for ten years, a son-in-law of Governor Faulk and formerly adjutant general of the territory, left Yankton in September, 1875, for the Black Hills, in company with Maj. W. P. Lyman, Mr. Mershon, Ben Miller, Washington and Thomas Reed, and others. The party were once turned back by the military, and a portion of them returned to the capital city.

In December, nine of the party who had remained in the vicinity of Fort Thompson reorganized, and on the 22d of that month left the Missouri River for the hills. A day or two after starting Ben Miller received a gunshot wound which proved to be of such a serious character that Captain Kelly brought him back to Dry Island, where he subsequently died. Captain Kelly rejoined the party on the 27th, and they then took up their march for the Black Hills.

Captain Kelly's statement follows:

Leaving the Missouri at Dry Island we struck south through the gap in Bijou Hills until we came to the old Whetstone Trail, which we followed to the south fork of the White River, then crossed on to the north fork and followed it twenty miles, when we struck northwest to Bad River and followed up stream to the mouth of the Fort Pierre Trail, thence to the south branch of the Cheyenne, which we crossed and traveled one day northwest to Elk Creek, and followed up that valley until we struck Custer's trail, which we followed into the hills as far as Box Elder Creek. This route was chosen, but we desired to avoid meeting with the military or Indians. The members of the party began prospecting in this vicinity, and in time separated.

The captain stated as to his personal experiences:

I think there is plenty of gold here. I washed out gold getting as high as four ounces in the pan. I prospected seven miles south of Whitewood Creek; I also prospected on Rapid Creek and got good returns. I prospected again on Deadwood about four miles. The ground was frozen in almost every instance to the gravel, so that we could not make a fair prospect, but the results received satisfied me that gold is plentiful here. J. B. Pearson, of Yankton, is located on Deadwood and was doing finely until the ground froze. He is now waiting for warm weather and has his horse and all equipment. Pearson informed me that he had averaged \$1.00 an hour when the weather permitted him to work. Saw Fayette Place on Rapid Creek. He went north to look after quartz leads near Fort Butte. Pearson has located ten quartz leads in the same section. Good prospecting has been received from the quartz. I met no other Yankton men, but learned that Jack Ford and the Reels were located on Rapid Creek. There is an estimated amount of good gold timber in that country.

It was estimated that there were about two thousand quartz leads in the hills. I saw about fifteen hundred going in on the Cheyenne route as I came out, and with those have gone in from the Missouri River route, there must be just less than seven thousand. Miners differ in opinion regarding the country. Some think it is a good thing and some a bad thing; others thought it would cost more to get it out than it would cost to raise the wheat. One has about two hundred horses, principally for the purpose of raising wheat. Another has a town a mile square, located down on Rapid Creek, where there would be a collection of wheat away. On Spring Creek, on what is called Allen Butte, some good quartz has been taken out. The miners generally expect more gold than they have been getting at all. A party of Indians had visited some of the quartz on Whitewood and made an head of stock. I think the Indians have been disappointed in what they were told, as I saw a great many old tenes poles.

I believe the Fort Pierre or Rapid River route is the best. Fort Pierre is the nearest point to the hills. A good route exists from either side of the river, with plenty of wood, water and grass. Either of these routes will afford the best route and return the valley into the hills. I never want to travel the Cheyenne route again. It has no good timber. At Pole Creek, nearly the entire party has been returning with their horses going in are compelled to feed them and their horses. There is no good timber along the route without water. I do not think there can be much grain raised in the country, as the distance from Custer to Cheyenne is about 100 miles. The route I came on by way of Cheyenne was better. I could find my horses coming to the mouth of the Missouri and did not wish to come down. Pearson found some quartz leads on a good route going to Cheyenne well exposed, and he was disappointed in what he had been told, and compare it with the Missouri River route. I was disappointed in what I was told, and return after I have made a visit to the hills. I was on the Cheyenne route for a couple of months.

Mr. John R. Brennan, of the new Town of Rapid City, came into the settlements on the Missouri River, in March, 1876, with a company of Dakotans who had come out after supplies by the Fort Pierre route. Mr. Brennan went into the hills in 1875 from Denver City, where he had resided for a number of years as the proprietor of the American Hotel. His business took him to the capital of the territory where he gave out a statement of the conditions in the hills during the winter of 1875-76. He went into the hills in November, 1875, and had spent the winter there mining. Concerning the gold country, he said:

I worked on Spring Creek and found good prospects. There are really only two claims being worked in the hills now—I mean by means of sluice boxes. (Mr. Brennan had no definite information from the Deadwood region at that time.) There are thousands of men sinking prospect holes, but have not got down to work yet. These two claims that are worked are on Spring Creek—one by the Montana company and one by the Florida Bar Company. The former is composed of five men and has been at work all winter. They have averaged \$10.00 to the man since they begun, by working six hours per day. When I left they were taking out \$90.00 per day. The Florida Bar Company consists of seven men, and is averaging \$7.00 a day to the man. There are now between four thousand and five thousand white men in the hills and more arriving every day.

Our party, which numbers five, has sunk sixteen or seventeen prospect holes on Spring Creek. Our best results were obtained after we reached Bed Rock, where we took out from fifty to sixty cents to the pan. Our success created considerable excitement. The bed rock is eighteen feet down. Our folks were running a drain ditch up the gulch when I left.

On Rapid Creek, which is north of Spring Creek, big preparations are going forward for the spring work. There are more men at work on Rapid Creek than any stream in the hills, and I have obtained better prospects on Rapid than in any locality in the hills. Rapid City is on this creek and is the finest location for a town in the hills. The Rapid Creek Valley furnishes an easy natural entrance from the South Cheyenne to the heart of the hills. The valley averages two miles in width and has a good road ready made by Nature. Rapid City has been laid out. It is one mile square, and has streets 100 feet wide.

Black Hills gold appears to be more valuable than the average; it runs from nineteen dollars and a half to twenty dollars an ounce, and a man who can rock out \$5.00 a day can sluice \$25.00. Gold has been prospected for and found in a space of country 150 miles long north and south, by 80 miles wide east and west, all in the Territory of Dakota.

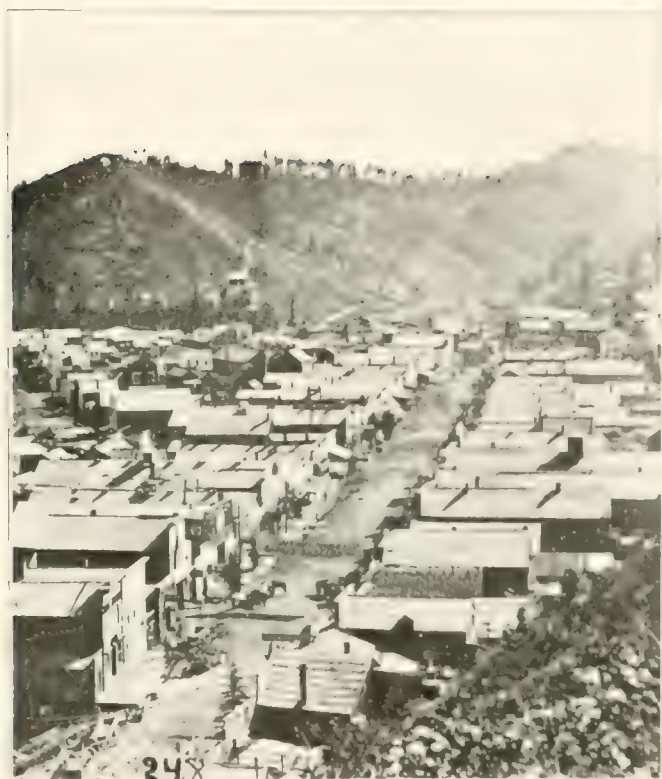
Gold bearing quartz has been found near Hill City, near Custer City, and in Palmer's Gulch. It is claimed that there is rich quartz in the northern part of the hills. All the miners have great faith in the richness of the northern region. There is snow there now, but there has been but little snow in the region I have described. The hills are covered with timber, and the most of it is white pine, and will compare well with that of Michigan and Wisconsin.

Regarding J. B. Pearson's claim to have been the discoverer of gold at Deadwood Gulch, confirmation is furnished in Mrs. Tallent's Black Hills History. In her chapter giving an account of the first discovery of placer gold in the northern hills, we find this reference to the pioneer party:

Frank Bryant, with a party of six others, namely, John Pearson, Thos. Moon, Richard Lowe, James Peirman, Samuel Blodgett, and George Hauser, seven in all, arrived in the hills from some Missouri River point, in August, 1875, making their first camp at Spring Valley, on their way to the northern hills, their objective point. The party did its first prospecting on a small tributary of Elk Creek, with unpromising results. Frank Bryant was the possessor of a small map, furnished him before starting by Tom Labarge, Charley DeGray, and Lephiere Narcouther (probably Zephier Rencontre, the well known Yankton half-breed, who was the original owner of the townsite of old Bon Homme), all old employees of the American Fur Company, which served the party as a guide to their objective point.

The second place prospected by the Bryant party was at the mouth of Spruce Gulch on what was called on their map, the Chaw-Skaw-Skaw-Walkapalla (afterwards named White-wood Creek), a beautiful stream of clear water, running then about two hundred miners' inches, where was found good prospects on the surface gravel. Fortunately, having a saw in their outfit they whipped out enough lumber to construct eight boxes, twelve feet long each, and commenced sluicing, but not being wholly satisfied with the results of the experiment, they soon began to look around for richer diggings. This party built, at the mouth of Spruce Gulch, the first cabin in the northern hills.

One of the party, Sam Blodgett, who had, while hunting, come upon a gulch which to him looked favorable, after reporting the same to the other members of the party, returned to the gulch with John Pearson to see what could be found, and the first dirt panned by



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them was taken from the point of the bar, on which now stands the Deadwood High School building. Other bars, for a distance of three hundred or four hundred yards up the creek were also prospected, but as nothing encouraging was found, no location was made. The places last prospected were on what was later called 'Deadwood Gulch.' This as far as known, was the first prospecting done on Deadwood Gulch.

About the middle of September (1875) the party left their works on the Wisconsin on a fruitless search for richer diggings. Turning their faces toward Terry Peak they prospected on the way.

After some time spent in prospecting in this locality, the party appears to have become discouraged, and broke up, and nearly all of them abandoned further prospecting and left the hills, at least temporarily, Pearson and Bryant going to Fort Laramie; where the "gold fever" appears to have again attacked them, and they both returned, late in October, Pearson ostensibly going to the southern hills and Bryant to the northern, where he reoccupied the cabin, with W. H. Coder and William Cudney, that had been built by his party earlier in the season. These parties made a placer claim at this point, and posted notices.

Mrs. Tallent's account continues with this reference to further pioneer operations in the northern hills in 1875-76.

J. B. Pearson later went to the northern hills with the Lardner party, and was among the first locaters on Deadwood Gulch, where he continued placer mining until some time in 1876, when, it is alleged, he commenced the erection of the second stamp mill in that vicinity, which was put in operation in April, 1877, operating for the most part on ore from the Black Tail mine, which he had located. He operated his twenty stamp mill for about three years, when he disposed of his property and prospected for a time in the southern hills. In 1883 he became engineer of the DeSmet mill at Central City. Mr. Pearson located what was known as the Giant and Old Abe mines, now the property of the Homestake Company, on December 11, 1875. These are believed to be the earliest quartz mines located in the hills.

It was circumstantially reported in the Deadwood News in October, 1880, that the honor of discovering Deadwood Gulch probably belongs to Dan Meekles, who with a party of seven were sluicing on Castle Creek. This party had packed an old wagon box, in small pieces, of which they had made a sluice box and had undergone great hardships to reach Castle Creek, and after three days' hard work had cleaned up \$3.10. Discouraged, they were thinking of returning, when Meekles came into camp and announced that he had discovered a gulch where he could get 50 cents to the pan. The party, loath to believe him, thought they would look it up, and after several days of wandering brought up near the base of Bald Mountain. Going up near the summit at Terraville, they got a view of the surrounding country and going down Deadwood Gulch they camped near where Gayville was to be. Bill Gay panned out the first panfull of dirt and got 50 cents; others tried it with equal success. Convinced that they had struck it, they started in to build a cabin—the first ever built in the gulch. They panned it Deadwood Gulch on account of the immense amount of dead timber which filled the gulch. The names of this party were Dan Meekles, J. B. Pearson, Joe Ingoldsby, Wm. Gay, Wm. Laudner, Ed McCay, James Mayer, Harry Gammon, and old man Haggart. They had saddle and pack animals, some tools and a little stock of provisions. Elk and deer were abundant and they had all the meat they wanted. They arrived at Deadwood Gulch, November 6, 1875, and the same day staked off their claims, 300 feet long up and down the gulch, and as well as the gulch. In a few days they were joined by a party who had wandered around the western part of the hills. This party was from Montana, and had camped where Spearfish City stands. Some of them were "frightened" with the country and declared that they had found the "happy land of exiles," one of whom, R. H. Evans, picked out a gulch and declared he would quit mining and go to farming. Mr. Evans kept his word, for after mining and prospecting for many years, he located a ranch out with below Spearfish, and became one of the most successful grangers in the country. Shoun, a freighter brought in a whipsaw, and got out lumber which he sold for \$250 a thousand. Par-

ulation increased rapidly, and in December, at a meeting held on the 9th, the district was named the Lost Mining District, and William Laudner was elected recorder. In January, 1876, quartz locations were made. The first one was called the Giant; and the quartz district was named Whitewood.

MEMORIAL AND ORGANIZATION

Indicating the orderly and intelligent sentiment of the pioneers of the Black Hills, Independence Day was observed in an appropriate manner at Deadwood, in 1876, and one prominent feature of the proceedings was the adoption of a memorial to Congress urging the extinguishment of the Indian title to the country, and making an exhibit of the population of the country and its varied resources, as follows:

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

Your memorialists, citizens of that portion of the Territory of Dakota known as the Black Hills, most respectfully petition your honorable body for speedy and prompt action in extinguishing the Indian title to and the opening to settlement of the country we are now occupying, developing and improving. We have now in the hills a population of at least seven thousand honest and loyal citizens, who have come here with the expectation of remaining and making this their homes. Our country is rich not only in mineral resources, but is abundantly supplied with timber, and a soil rich enough to produce all that will be necessary to sustain a large population. Your memorialists would therefore earnestly request that we be not deprived of the fruits of our labor and driven from the country we now occupy, but that the Government, for which we have offered our lives, at once extend a protecting arm and take us under its care. And as in duty bound your memorialists will ever pray.

Dated Deadwood, D. T., July 4, 1876.

The memorial was subsequently signed by a large number and forwarded to Washington.

A few weeks later an effort was made to induce the governor of the territory to organize county governments in the hills. Deeming the matter of great importance the governor referred the subject to the secretary of the interior at Washington, and received the following reply:

Department of the Interior, Washington, August 24, 1876.

His Excellency, JOHN L. PENNINGTON, Governor of Dakota:

Sir: I have the honor to acknowledge the receipt of your letter dated the 16th inst., enclosing one to you from Mr. A. H. Simonton, dated at Deadwood in the Black Hills country, who suggests the propriety of organizing county governments in that section of Dakota Territory; and to state in reply that in the judgment of this department no such governments can be legally established in that country. The white inhabitants of the Black Hills are there not only without authority of law, but in actual violation of law, and so long as that section of country is set apart as an Indian reservation, it would be manifestly improper and unlawful to authorize the setting up therein of any form of civil government for citizens of the United States.

I am sir, etc.,

CHAS. F. GORHAM, Acting Secretary.

CHAPTER LXXII

DELEGATE KIDDER'S ZEAL HASTENS THE TREATY

1876

DELEGATE KIDDER'S GREAT BLACK HILLS ADDRESS IN CONGRESS, JUNE 20, 1876—KIDDER'S IMPORTANT ACTION IN SECURING THE OPENING OF THE HILLS.

In the House of Representatives, June 20, 1876, the House having under consideration the bill (H. R. No. 2417), to declare the Black Hills in the Territory of Dakota open to exploration and settlement, to secure the right of way thereto and for other purposes, Mr. Kidder, delegate from the Territory of Dakota, said:

Mr. Speaker: On the 28th day of February last, I introduced the following bill:

Be it Enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all that portion of country in the Territory of Dakota lying between the forty-third and forty-sixth degrees of north latitude, and the 102d degree of west longitude and the west boundary of the Territory of Dakota, is hereby declared to be open for exploration and settlement; and the true intent and meaning of the treaty with the Sioux Indians, concluded April 29th, 1868, is declared to be that men and women are not excluded thereby from traveling over, exploring, or settling upon any portion of said territory included within said boundaries.

Sec. 2. That it shall be lawful for any persons to travel upon, over, or through, on foot or otherwise, any Indian reservation in said territory, for the purpose of arriving at, going to, or reaching any point or place within the boundaries aforesaid, and returning therefrom in the same manner.

Statement of Facts.—The area of the Sioux reservation in Dakota, including additional, is 56,072 square miles, or 35,896,080 acres. The area of that portion of the reservation lying west of the 102d degree of west longitude, which includes the Black Hills, is 25,436 square miles, which will leave, after this portion is opened for settlement, a reservation of 30,636 square miles, or 19,679,040 acres. More than one-third of the entire Territory of Dakota is now included in this reservation.

The number of Indian parties to this treaty, as reported by the United States Commissioner (men, women and children), 40,391. If these lands had been opened to settlement in 1868, each Indian, squaw and pappoose would have had a title to more than eight hundred and eighty-eight acres. Take from this reservation 30,436 square miles, what this will leave, and then there will be reserved for each man, woman and child more than four hundred and eighty-two acres; when a white man, including his family, is entitled only to two acres by homestead exemption, homestead and timber culture, to 480. Pass this bill and there is left for each Indian, estimating six in each family, more than five times as much as we are severally entitled to.

Our Government agreed to subsidize these Indians for fifteen years from the date of the treaty, but since the expiration of that time (1871), it has refused to fund their indebtedness. At the time of the making of the report of the secretary of the Interior for 1875 it had expended for that purpose \$3,395,000. The treaty was never intended to be carried out.

The statute which authorized the making of the treaty with the Sioux Indians, passed March 17, section 20, reads as follows:

"The commissioners are required to select a number of reserves for the Indians, and when so selected and the selection approved by Congress, shall be said reserves, homestead homes for said Indians," etc.

The treaty was not before the House. The Government considered it good, and it was ratified by the Senate and approved by Congress, and approved by President Grant. It was authorized the commission to treat with the Indians, but it was not intended that the so-called treaty did not become a law.

Authorities in point.—1. A treaty, under the Constitution, is declared to be the supreme law of the land. This, unquestionably applies to all treaties wherever the treaty-making power, without the aid of Congress, can carry it into effect. Until this power is exercised, as where the appropriation of money is required, the treaty is not perfect. This results from the limitations of our Government. The action of no department of government can be regarded as law until it shall have all the sanctions required by the Constitution to make it such. As well might it be contended that an ordinary act of Congress, without the signature of the President was a law (vide 7th circuit of Michigan, 1852, *Turner vs. American Baptist Missionary Union*, 5 McLain, page 344).

Congress may repeal a treaty (first circuit of Massachusetts, 1855, *Taylor vs. Morton*, 2 Curtis, Circuit Court, page 454; 2 Black, page 486. An act of Congress can abrogate a treaty provided the subject matter is within the legislative power of Congress (*United States vs. Tobacco Factory*, 1 Dill).

This treaty then not having been approved by Congress, the House not having acted upon it, is not only voidable but void, and is not binding upon either party, and before I close these remarks I will try to satisfy you sir, that the Indians, allowing their acts to demonstrate their meaning, so regarded it. The authorities on this point are all one way. None can be found contravening the doctrine here laid down.

Again as to the title of the Indians to their reservations. The right of Indians in their land is that of occupancy alone. Possession, when abandoned, attaches itself to the fee without further grant (19 Wallace, U. S. vs. Cook, page 591). The fee is in the United States; this is the title by which they hold their lands. It was so decided by the Supreme Court as early as 1823, in *Johnson vs. McIntosh*, S. Wheaton, page 574. The authority of this case has never been doubted.

The last point made in relation to the title of the Indians to their lands is not presented to sustain the doctrine in this case that the Indians have abandoned the reservations, because the facts will not sustain it. They have not, in accordance with legal technicality, abandoned it, but the truth is they have never occupied the Black Hills part of it for any purpose whatever, and are now only standing guard at the portal thereof like the "dog in the manger," except that they may also satiate their blood-thirsty appetites in the warm gushing gore of inoffensive victims. This point is presented to show that the equities in this regard are all in the United States. The stipulations of the treaty have been broken on the part of the savages; we are therefore under no obligations to support them or not to occupy this reservation.

For the sake of the argument only we will admit that the treaty was ratified according to law, and is binding upon the parties, and insist that it has been broken by the acts of the Indians in such a way that our Government is in no way under the least obligation to respect it, and it should be regarded by us as null and void.

I purpose now to ventilate this view of the question and inquire—have the Indians lived up to the obligations of the treaty on their part? By article 11, among other things, the Indians agreed that "they will not attack any person at home or traveling, nor molest nor disturb any wagon trains, coaches, mules or cattle, of other persons; that they will not attempt to harm white persons, etc."

We are told by persons who boast of their Christian philanthropy and transcendent love for the Indian, that all of our troubles with these people, the robberies, murders they commit upon the whites, are the legitimate result of our tyranny and oppression of them. How convenient for philanthropic purposes and the advancement of human efforts to benefit these Indians, whether pretended or real, practical or impractical, this may be in excusing the barbarities of the savages, it lacks the essential quality of truth to sustain it, while it tends to engender a false and sickly sympathy in behalf of the Indian race and a prejudice toward our own.

No reliance can be placed in the plighted faith of the North American Indian until he has become civilized and enlightened. The fictions of Cooper and Longfellow have no existence in fact; they are purely imaginary and meretricious. This want of fidelity is shown by their utter disregard of their treaty stipulations and in all their dealings with the white man. See what our Government has done for them, as I have before stated, by way of furnishing the subsistence. What have they done in return? From the day they fixed their cross to this treaty hitherto they have been engaged in predatory raids upon our frontier, robbing and murdering the white settlers, sparing neither age, nor sex, nor conditions in life, committing "such hellish torture as can only be suggested by savage lust." Hundreds, yes, I may with truthfulness say thousands, if we could ever arrive at the facts, of our western frontier settlers, whom this Government of ours is bound to protect, have fallen victims to the frightful forays of these barbarians. Human life and property have not been secure from the midnight incursions, the fatal rifle shot, the tomahawk and scalping knife. More than two hundred American citizens, we know, while employed in lawful pursuits in the Northwest, and on ceded lands, too, have been murdered by the Sioux within the last seven years, and before the attempted occupation of the Black Hills by the whites. Miners, wood-choppers, steamboat men and others, have been ruthlessly murdered by them while in the quiet pursuit of their legitimate business, and our Government at the same time expending millions of dollars annually for the support of these same Sioux, without consideration therefor or expecting to be benefited thereby. In view of these facts (and

strange and horrible as it may appear, it is our frontier history. I ask what would it avail, if any, have they upon us? I have lived upon the frontier during many years, and have had an opportunity to know as much by actual observation as you can know from the crossed, going westward, the Hudson or Mississippi rivers. Today Sitting Bull and his associate chiefs, who were parties to this treaty, with their 300 warriors, have their holds on the Yellowstone and Powder rivers, but look not back upon your warriors who shake their bloody girdles of white men's scalps, or stare at which the horses gasp, but not yet coagulated, in the faces of your officers, and bid defiance to your laws and military authority.

Specifications against the Sioux. In 1870 fifteen men were murdered by these Indians on the Missouri River just below Fort Peck. The steamer *Low Water*, when navigating these waters in 1871, was fired into and the clerk was shot through the lungs. Two men were murdered by them near the present site of Carroll, on the Missouri. Near Fort Lincoln, Bismarck and Fort Berthold, annually since 1868, many white men have been killed by them, and in all over twenty nine. In 1873, above and near Fort Rice, six men were slain by them. In the fall and winter of 1874-5, thirteen men were killed by Sitting Bull's party on the Yellowstone River. In Judith Basin twenty-four men were murdered by the Sioux between the years 1870 and 1875. Within the time last named more than one hundred persons have been killed by them on the North Platte and north of the Union Pacific Railroad, while all along the Missouri down as far as Running Water, white men have been killed by Indians nearly every year. The steamers navigating the Missouri River have been fired into every year since 1869 by the Sioux lying in ambush, and their men have often been killed and wounded. No less than five boats carrying the required supplies on the upper Missouri were fired into in 1874 and several of the crew were killed and many wounded. A year has not passed since this treaty was made that these boats not fired into the steamers navigating this river.

Now, sir, I ask anyone to point out to me a rational cause, an excuse even, for the perpetration of these cowardly crimes, and then long and loud denunciations of the white man's inhumanity towards the Indians, and of the eulogies heaped upon the traitor chiefs and fidelity of these robbers and murderers. Again, the Government has paid to various parties since the conclusion of this treaty, on account of the depredations of these Indians on the property of our fellow citizens, the sum of \$15,130.24, and is unable to have paid millions of dollars for this purpose, and that sum would not liquidate their indebtedness to us in this respect.

They have never attempted to utilize the country known as Black Hills, which bordered or fished therein, and had it not been for the restless mental activity of our citizens, which is ever seeking unexplored fields in science as well as in geography, and which gave to us the priceless treasures of California and the west coast, the silver of Nevada and Colorado, and acres of Texas, and developed in the Black Hills country golden treasures, these graceless paupers of the nation never would have dreamed of going into it. To them it had no attractions until the white man came and gave to them an idea, how to utilize their decorations bleeding scalps, and well have they availed themselves of this golden opportunity. And yet, sir, this race, these Indians, we have always carefully protected, sheltered, fed; nay, more, invited here to this city, made them the guests of the nation, feted and honored them in as ostentatious a manner as we have ever done to representatives of nations equal to us in all that makes a nation great, and better than all others, made them honored guests, while at their wrists hung the scalps of our fellow pioneers who felled the forests, bridged the streams and developed such states as Kentucky, Indiana, Illinois; yes, the entire grand West.

Sad to say, we are to have the perpetual heritage of a race devoid of all nobility or principle; senseless to any animation at an exact sacrifice from an act of cowardice, redolent with blood and echoing with the agonized cry of a tormented victim. Ours are the "noble men of the forest," whom we are to respect and care for forever, while the widows and orphans they make annually weep, and shiver, and die.

Sir, in the face of this and more so horrible, that it cannot be spoken, which are whispered among those who know of their atrocities, I would have to know of them no more any obligation, legally or morally, in justice or equity, towards the Indians, save to God and our country," requires us to adhere to the treaty stipulations. Would we have suffered, unless compelled via et arms, from any nation such treatment of our citizens? If a treaty did exist, who suffers from its violation? Must certainly the white man violate it. When the pirates from Tripoli outraged our commerce, and the corsairs from Algiers, violated not a moment, and demanded and received no such consideration. No. This white sympathy, born in false teachings; reared beyond the reach of the arrow and the tomahawk, must be taught to know that the pirates have no right to treat the innocent and the wrong from field and forest, blast by fire, or with and arrows, or tomahawk, and disturbed by the yell, tomahawk and shot of their traitor allies of the nation.

Now, sir, these atrocities, depredations and murders, were not committed by the lower grade of the Indians, but were committed and perpetrated by the noble and brave chiefs of the various tribes, many of whom had just returned from the battle of Little Bighorn, Washington's national hospital. These Indians were not ignorant of their responsibilities, but were conscious that it would have been their duty to have been and were

enable them to escape punishment. Need I allude to the instances where conviction and sentence to death have been pardoned by appeal to the executive by those striving to do right, have erred mightily. With these facts before us can any man say they have lived up to their treaty stipulations? No sir. Treaty or no treaty, we shall ever continue to take care of them. The Divine Master said to his chosen apostles: "The poor I leave with you." He must have meant, as to the United States, "Lo, the poor I leave with you as a perpetual heritage." The Black Hills are of no use to them, as I have said before, neither as a hunting or fishing country; but to us, in the west particularly, and to the entire nation, of incalculable value. Opened up by our hardy and industrious people, soon it is to be hoped, remove them from "in puris naturalibus" condition to one where the Christian friends who are anxious to help them may hope of success.

Pass this bill and you invite to a healthy, salubrious and fertile country the masses who are dying for want of space in your beautiful cities; deny it and you simply put blocks in front of the "car which westward takes its course." Pass it and you benefit the Indian in spite of himself, for then each one will possess in spite of himself more land than he can occupy and enjoy. Doing justice to our white settlers, to our anxious emigrant, to thousands in the Old World who want to come to our free land, will benefit them and in time it is to be hoped, remove them from "in puris naturalibus" condition to one where the Christian friends who are anxious to help them may hope of success.

The present status of the Black Hills.—That gold is in the Black Hills pioneers have known for more than thirty years. The geological survey of Professor Hayden over ten years ago established that fact. The explorations of Professor Jenney in 1875 were sufficiently thorough to establish beyond a doubt that valuable gold fields exist there. Within the last six months citizens of my territory have gone there comparatively poor, and have returned well off. That more than one hundred thousand dollars worth of gold dust has been taken out of these hills by the people of Dakota alone, been brought home and there sold, is a fact of which I have personal knowledge.

The sentiment which is founded on the great popular idea of inalienable rights, inherent in the bosom of every man who has felled the forests and peopled the plains from one ocean to the other, attempted to open the Black Hills in 1874 and 1875. Squads of men were there inoffensively, quietly, taking the auriferous metal from the "auriferous gulches which furrow its mountain slopes." Whereupon a military order was issued to "put out" these men therefrom, and as they were seemingly slow in getting out, many of them were arrested, confined in military prisons and other bastiles for months, and in numerous instances their wagons and subsistence destroyed by fire. Such acts on the part of those who consummated them were without authority of law, and an outrage upon the rights of peaceful citizens.

But since the explorations of Professor Jenney, and within a few months, the Black Hills have become occupied by a large population of the bone and sinew, the bold and hardy yeomanry of our country. It is estimated that there are at least eight thousand men there pursuing the even tenor of their way, tilling the soil, planting crops, fencing their lands, building houses, making homes for the beloved ones left behind them, and who are anxiously waiting for the blissful moment of reunion with their brave husbands and fathers, and until recently without any interference from our Government. But the Indians wanting new relays for their girdles, and in strict accordance with their custom for the last hundred years, were continually murdering innocent men, women and children, outside of their reservation in the Territory of Wyoming and elsewhere, and committing such nameless crimes the contemplation of which makes humanity's warm life-blood congeal at its source and stand still in its fastnesses, caused this order to emanate:

Headquarters Army, Washington, D. C., May 26, 1876.

I have just been to the President with Governor Thayer. After reading the papers and some discussion, the President said the people who had gone to the Black Hills of Dakota, inside the Sioux Reservation, or who may hereafter go there, are there wrongfully, and they should be notified of the fact; but the Government is engaged in certain measures that will probably result in opening up the country to occupation and settlement. In the meantime the Indians should not be allowed to scalp and kill anybody, and you are authorized to afford protection to all persons who are conveying food and stores for the people already there. I understand that arrangements are now in progress with Red Cloud and Spotted Tail to treat, and meantime the agency Indians should be kept near the agencies. If satisfactory arrangements are not concluded, the new order will be made as to whites who have intruded on the Sioux Reservation.

W. T. SHERMAN, General.

About four weeks ago the United States Indian agent at the Cheyenne Indian Agency on the Missouri River addressed a letter to the honorable commissioner of Indian affairs, stating that three friendly Indians had been killed by men going to the Black Hills over the Fort Pierre route, and that an Indian war was inevitable if travel thereon was not interrupted. Thereupon the following order was issued:

St. Paul, Minn., June 2, 1876.

To the Commanding Officer at Fort Sully, D. T.:

In compliance with instructions from the general of the army, just received from the lieutenant-general, you are directed to take such steps as will prevent emigrants from going to the Black Hills over the Fort Pierre route, and you are further directed to use the troops at your command to enforce these instructions to the best of your ability.

By command of General Tamm,
RUGGLES, Acting Adjutant-General.

Pursuant to which order the commanding officer at Fort Sully stopped all provisions, trains and men en route for the Black Hills, and forbade their crossing the river there. In a short time hundreds of tons of freight were landed there destined for the gold region, and hundreds of men in charge of the same, but were detained or turned back by the military authorities. This fact being made known to the Government, this order was issued:

Headquarters Army, Washington, D. C., June 8, 1876.

General P. H. Sheridan, Chicago, Illinois:

Judge Kidder, of Dakota, represents that there are about one hundred tons of provisions at Fort Pierre, ready for the Black Hills, and that the commanding officer is preventing their going. We have just seen the President, who consents that these provisions may be hauled out, but that no escort can be given. You may instruct accordingly.

The commanding officer should see that the parties who go out with the train are armed and prepared to defend the train and to prevent its falling into the hands of hostile Indians. Judge Kidder has been very zealous in this matter in the interest of his territory.

W. T. SUMNER, General.

The commanding officer of Fort Sully being "hard of hearing," or very slow, or not knowing the order was issued, had not, up to the 20th of June, permitted the provisions to be hauled out, when forbearance ceasing to be a virtue, an order enlarging his instructions was issued in these words:

Headquarters of the Army, Washington, June 20th, 1876.

General Philip H. Sheridan, commanding Division of Missouri, Chicago, Ill.:

In regard to the route to the Black Hills from Fort Pierre, you may instruct that well organized trains may go out and return with provisions, but they can have no military escort. The trains must take their own risk. Instruct the officers accordingly.

W. T. SUMNER, General.

Of the result of this order I am not informed. Newspapers inform us that—

"We have good evidence that the route to Custer City from Cheyenne is now guarded against Indian depredations by Companies K of the Third Infantry, and that the Cavalry, third Infantry, and that General Sheridan was promised adequate military escort on the Sidney route. We have also good evidence that Captain Tolm is commanding the First Infantry is now patrolling the Missouri River in the vicinity of Fort Pierre for the purpose of preventing all travel from Southern Dakota to the hills."

Colonel Townsend, commanding Fort Laramie, announces, among other things that—

"Two companies of cavalry will constantly patrol the road between this post and Custer City for the protection of travelers."

It appears then, relying upon these orders and the information that there is only one ingress and egress to the Black Hills, and that is by the way of the Union Pacific Railroad. In connection with these facts I desire to state further that to go to the Black Hills from Fort Pierre via the Union Pacific Railroad the emigrants at Fort Pierre will have to travel over one thousand miles farther than to go direct from there to Custer City. Fort Pierre is only 150 miles to Custer City. Chicago is only three hundred miles nearer the Black Hills via Yankton, Dakota, than it is by way of Cheyenne, Wyoming, and the road through the former territory is very much better. The extra distance there is not to be seen in the scenery of the gold-bearing hills and the valley of estimated riches, seen by reaching over not only by the good people of Dakota, but by the people of Minnesota, Wisconsin, and other states east of the Missouri River and north of the great divide.

This I call an outrage upon these people, and a violation of the law. We are willing to submit to any general order concerning the route to the Black Hills, but we are willing to be excluded from that route if all are not to be allowed to travel themselves, belittle our intelligence, and declare that whatever right of travel we have which is implanted in the bosom of every man is taken away from the people of Dakota by the scales of injustice in depriving them of their right of travel. There is no doubt a wrong has been perpetrated in a manner that is known to a waiting world.

The Fort Pierre route should be opened at once or the Cheyenne route should be closed. This would be meting out even handed justice. The closing of this route and the protection of the route from Cheyenne and Fort Laramie by the military, is such an exhibition of favoritism in favor of the latter routes, and the injustice is so flagrant that the people of Dakota feel that they have a right to speak in language that will not be misunderstood, and demand that justice be done them by being placed upon an equality with those residing south and west of the Black Hills.

Only one way to get into the Black Hills? I have been taught to believe that I can start from any place and go to any other place in the world. But I give that up now. One is obliged to start either at Cheyenne, Sidney or Fort Laramie to get into the Black Hills.

It has now transpired that three Indians were not killed, or any Indians, in the vicinity of Fort Pierre, or any Indians east of the Black Hills, by persons going there, as stated to the commissioner of Indian affairs by the Cheyenne agent, and that the agent was misinformed in relation thereto, or he wilfully wrote to the commissioner what was not true, which latter I hesitate to believe. But, believing in the good intentions of those who administer this Government, and their desire to strictly mete out justice to all, I do not hesitate to say that I believe, when the facts in this regard are known to them as I know them, that the order closing the Fort Pierre route will be revoked, or another made closing those from the Union Pacific Railroad. With either we shall be content.

To the unsophisticated these last remarks of mine might seem to be "aliunde," and not pertinent to the issue, but when it is understood that all the facts which surround this reservation should be properly considered before coming to a determination in the premises, and that Dakotans and others east of us who have traveled that way have not only had a fire in front but a fire in the rear, it is a matter of absolute necessity, in order to have ample justice done to us, to state the whole case as it really exists, "without fear, favor or affection."

Results on the Passage of the Bill.—A bill has recently passed the Senate "providing for an agreement with the Sioux Nation in regard to a portion of their reservation, and for other purposes," which has been transmitted to this House and referred to the Committee on Indian Affairs, "that bourne whence" it takes a long while to get back, a la other committees. As a dernier resort I am in favor of this Senate bill, but it will take a long while, if it passes this session, to be of any utility to us, as the commissioners authorized thereby cannot report a treaty for want of time until the next session of Congress; and therefore it will be nearly a year before we can reap any benefit therefrom.

We are told to wait until a different policy or a new treaty may enable these Indians to quietly vacate this valuable country; but Young America never waits. It is not the nature of the people of these United States to hesitate to strike the blow while the iron is hot. Remove this dusky cloud title from a portion of the reservation, and thousands of emigrants will flock there annually, not simply as gold-hunters, but as farmers and tillers of the soil. The climate is temperate and salubrious; the soil is rich; forests abound, and the country is well supplied with small streams abounding in fish. There is no portion of the country that presents so many attractions for the emigrant as this bill proposes to open. The passage of this bill will do the Indians no harm, but will greatly advantage the hardy, whole-souled, generous-hearted pioneers. Pass this bill and this rich country is open for exploration and settlement at once, and gives homes to thousands of the homeless. The interests of humanity demand its passage. It will stop the shedding of innocent blood. Men and women will earn their daily bread in quiet, and after the labors of the day lay down to sleep without fear of being awakened by the yell of the bloodthirsty savage or the glare of the midnight conflagration. The sword will be turned into the plowshare, and "the song of the turtle will be heard in the land."

Christianity demands that these lands shall be occupied and possessed by those who believe in protecting one another, instead of those who only delight in slaying pale-faces. The American people, yes, the civilized world, is tired of this sentimental policy for the "poor Indian," which has almost made a continuous graveyard from the Ohio River to the Pacific Ocean.

The time has arrived when the people are not to be deceived by well-rounded sentences, poetical effusions, or charming fictions. Desolated homes, thousands of widows and orphans cry out that these murderers must leave these lands to the quiet possession of those who are able and willing to assist the earth in giving forth its increase, and establishing homes where they can enjoy the sweet comfort of peace and family, and where "the wicked Indian will cease from troubling and the weary laborer reap the rich rewards of his toil in the possession of a secure home and contented family."

During these anxious days when the President and Congress were endeavoring to discover some method by which they could facilitate the opening of the Black Hills to white settlement, it is authentically related that the delegate from the Territory of Dakota, Judge Kidder, called upon President Grant, and asked him if there was no possible way for him to use his executive authority to get the coveted country thrown open to white occupation. Grant knew of no way, but strongly hinted to Kidder if he could get him authority to appoint commis-

sioners to negotiate with the Indians, and money enough to pay them, he would appoint the commissioners immediately and as speedily as possible make terms with the Indians. The session was drawing to a close. During the last hours at midnight a conference committee upon an appropriation bill was in session. Kidder hurried to and fro through the capitol with an amendment in his hand to go into this appropriation bill. He found the committee just as they were ready to close their report, and tired and exhausted as they were, the good nature of the delegate proved successful in getting their consent to put in his amendment. It authorized the President to appoint commissioners to visit the Sioux country, negotiate with the Indians, and make an appropriation to defray expenses. The amendment was substantially the provision of law which governed in the making of the agreement with the Sioux for the Black Hills, in 1876. The bill passed Congress during August, and in September and October the important agreement was made by which the Indians relinquished all claims to the hills country.

CHAPTER LXXIII

CUSTER'S LAST BATTLE—BLACK HILLS PURCHASED

1876

TERRY'S FATEFUL EXPEDITION AGAINST SITTING BULL'S 5,000 SIOUX—CUSTER'S MARCH AND LAST BATTLE—THE TRAGEDY OF THE LITTLE BIG HORN—CUSTER DIVIDES HIS REGIMENT AND ENGAGES SITTING BULL'S FORCES WITH FIVE COMPANIES—COMPLETE SLAUGHTER OF THE GALLANT GENERAL AND HIS MEN—NOT ONE ESCAPED TO TELL THE STORY OF THE MOST FAMOUS BATTLE IN OUR INDIAN ANNALS—THE STEAMBOAT FAR WEST AND CAPTAIN GRANT MARSH—GENERAL TERRY'S OFFICIAL REPORT—CARRYING THE WOUNDED OF RENO'S COMMAND TO FORT LINCOLN—THE VOYAGE DOWN THE YELLOWSTONE—SENDING THE FATEFUL TIDINGS TO THE WORLD—UNIVERSAL LAMENT AT SACRIFICE OF CUSTER—DAKOTA OFFERS A REGIMENT OF VOLUNTEER CAVALRY—SITTING BULL SEEKS REFUGE IN BRITISH AMERICA—GREAT EXCITEMENT FOLLOWING CUSTER SLAUGHTER AND THREATS OF EXTERMINATING THE INDIANS—NEW BLACK HILLS TREATY COMMISSION APPOINTED—COMMISSION AT PINE RIDGE—INDIANS QUIET AND OPPRESSED WITH FEAR OF PALE FACED INDIGNATION—NEW PROPOSED TREATY FOR BLACK HILLS SUBMITTED AND AGREED UPON WITH LITTLE OPPOSITION—THE BLACK HILLS COMPACT WITH THE NAMES OF INDIANS OF ALL THE TRIBES THAT SIGNED—SPOTTED TAIL AND OTHERS VISIT INDIAN TERRITORY TO INVESTIGATE THE COUNTRY WITH THE VIEW OF REMOVING—SIOUX DECIDE TO REMAIN IN DAKOTA—GENERAL NELSON A. MILES IN THE FIELD—ACTIVE CAMPAIGN DURING FALL OF 1876 LED BY CROOK AND TERRY—CROOK REACHES BLACK HILLS—BATTLE OF SLIM BUTTES—GENERAL SHERMAN ON THE YELLOWSTONE—INDIAN TROUBLES CONFINED TO THE BLACK HILLS—MAJOR RENO OF CUSTER'S REGIMENT DEMANDS AN INVESTIGATION—MILITARY COURT AT CHICAGO—TESTIMONY OF WITNESSES—RENO'S STATEMENT—COURT EXONERATES RENO—FINDING OF COURT—SITTING BULL AND GALL'S STORY OF THE BATTLE—THE LITTLE BIG HORN BATTLEFIELD A NATIONAL CEMETERY.

TERRITORY EXPEDITION—CUSTER MASSACRE

The Indian Expedition of 1876 that terminated in the Custer massacre rendezvoused at Fort Abraham Lincoln, Dakota Territory, under the immediate command of Brig. Gen. Alfred H. Terry (who was also in command of the Department of Dakota), about the first of May of that year. The force consisted of the Seventh United States Cavalry under the command of Gen. George A. Custer; three companies of the Seventeenth Infantry; four companies of the Sixth Infantry, together with a Gatling battery. Its objective point was the Valley of the Yellowstone and its tributaries wherever he might find the large body of hostile Indians who were known to be gathering near the mouth of Powder River, a tributary of the Yellowstone, in strong force, led by Sitting Bull, Crazy Horse, Bald Eagle, and other hostile chiefs; the numbers of their following being roughly estimated at from five thousand to seven thousand, which probably included women and children. Many young Indians from the upper



GALE ENOPAPA CHIEF

Emory's Photo. with Safford Hall

agencies, professedly friendly and drawing supplies from the Government, were known to be absent from their reservations, and it was conjectured upon reliable indications that they had secretly joined the hostiles for this campaign. Sitting Bull subsequently gave out the statement that the gathering had no hostile signification; that it was simply in conformity to a custom observed by the Sioux who held these annual assemblies for social purposes in order that the young men and young women of the nation might have an opportunity for becoming acquainted with one another, with matrimonial alliances as the chief purpose in view, together with the many pleasures to be enjoyed on such vernal expeditions.

The expedition under Terry was one of three to take part in the summer's work, which was planned on a comprehensive scale with the design of ending Indian hostilities in the Northwest.

The steamboat *Far West*, Capt. Grant Marsh with Clerk Walter A. Burleigh, Jr., son of the distinguished Dakotan, that was to play an important part in the summer's Indian campaign, left its harbor at Yankton, on the 16th of May, 1876, carrying 280 tons of freight. The boat had been selected as General Terry's flagship and was destined for the Yellowstone River as far up as the mouth of the Big Horn, and possibly some distance above. Marsh had been selected for the command because of his experience, his knowledge of the Yellowstone Channel, his courage and trustworthy qualities that fitted him for the important position.

Terry's expedition got away from Fort Lincoln on the 17th of May. General Crook had engaged a portion of this hostile force near the forks of the Rosebud on the 16th of June, and reported the affair as of the most serious character. The Indians were well mounted, in large force, well armed with modern guns, and fought desperately, but could not be brought into a battle, pursuing their tactics of darting out on the troops from behind the natural defenses, which were abundant, and doing mortal injury to a number of soldiers whom they would find separated from the main body, as is usually the case in such affairs. In this series of fights Col. Gay Henry was dangerously wounded and Crook lost nine troopers killed and a much larger number wounded. He had with him about one hundred and thirty Crow and Shoshone scouts who fought desperately with the Sioux and lost several of their number. It will be noticed that the Indian scouts serving with the Government forces, were none of them from the Sioux tribes, but were taken from tribes that were, and had always been, at war with the Sioux.

It appears from the terms of the Laramie Treaty, sometimes called the Horseman Treaty of 1868 that the Sioux Indians were given for their reservation all that part of the Territory of Dakota south of the Cannon Ball River, possibly, and west of the Missouri River, and the Big Horn country in Wyoming and Montana guaranteed to their occupation to roam and hunt in; hence it may be claimed that Sitting Bull and his people were on their own ground, and were not far from him by this treaty, when the battle of the Little Big Horn occurred. Sitting Bull claimed that such was the case.

Sitting Bull became famous in our Indian annals, as much as the famous Tecumseh, or Little Crow, and probably superior to them in abilities. He was a Dakotan born and bred, and a member of the *Curpans* tribe of Sioux on Tachak Nation. He was the most influential Indian leader of modern times, a chief among chiefs, and yet he was never a chief, in the Indian sense of that name, but was the general of the armies of the Sioux nation. His command in July, and his implacable foe to civilization. He was willing that peace should prevail, on condition being that the white man must keep out of the Indian country. The terms of peace were so impracticable, that they amounted in effect to a declaration of war upon all extension or advancement of white settlement and general improvements in the West; and there is little doubt that the great body of Sioux shared his sentiments, but were unwilling, fearing the family of peace, to

go to the length Sitting Bull required of his followers, to enforce his exclusion policy.

The hostiles who were fighting with Sitting Bull during this summer were said to represent every tribe of the Sioux nation, but not openly. The leading Indians of the southern tribes—the Ogalalas, Brules, Cheyennes and Lower Yanktonnais, were all opposed to hostilities; but they could not control their young men who, because of their Indian love for war and its excitement, secretly made their way to the hostile camps, joined in their forays, and would then return to their agencies, draw their rations, and be ready to repeat the offense. It was claimed that the hostile force in 1876, with Sitting Bull as their leader, constituted the most effective hostile Indian army ever assembled on American soil, and they were as well equipped for battle as were the regular soldiers, many of them being armed with Winchester rifles and needle guns. Sitting Bull's army, independent of the element surreptitiously furnished from the agency Indians, was made up of the hostiles enumerated in the report of General Stanley, given on a preceding page. They disowned all treaties. Sitting Bull was the leader of the force, though denying that he was a war chief.

On the 20th of June, five days before Custer's fatal battle, the hostiles, under Sitting Bull, were reported by General Crook's scouts "as thick as grass" on the south side of the Yellowstone River, near the mouth of the Rosebud River where Sitting Bull's forces were concentrating. They numbered, as near as could be estimated, between three and four thousand fighting men. General Gibbons' command was then encamped on the north side of the Yellowstone, opposite the Rosebud and within sight of the enemy. Gibbons had sent two companies across to attack the Indians, but the Sioux compelled them to return. General Terry's command was then within two or three days' march of Sitting Bull's rendezvous, and reached it on the 22d, but the Indians had then withdrawn up the Rosebud. General Crook at the time, the 20th, was near old Fort Fetterman, about eighty miles distant, on his way to the Rosebud. The plan of the campaign at this time seemed to promise the best of results to the Government.

On the 23d or 24th, Terry's forces from Fort Lincoln had all reached the mouth of the Rosebud, where the steamboat *Far West* was moored, and was held as headquarters of Terry's expedition. Custer led the first detachment of Terry's expedition composed of his entire regiment, the Seventh Cavalry, and was sent forward from this point, following up the Rosebud on the trail made by Sitting Bull on his departure a few days earlier. After Custer's departure, Terry moved the remainder of his command, accompanied by the *Far West*, up the Yellowstone to the mouth of the Big Horn; while Gibbons' command marched up on the north side and were ferried across to the south side, by the steamer *Far West*, the same evening. A camp, however, was established on the north side opposite the mouth of the Big Horn. From this point, General Terry dispatched his second column up the Big Horn, or up Tulloch's Creek, a tributary of the Big Horn and running nearly parallel with it, with the design of intercepting the Indians, or of supporting Custer, who was presumed to have come up with the hostiles, and had possibly engaged them. Terry, with the remainder of his force, marched up the Big Horn, with the view of intercepting the Indians. The *Far West* also ascended the Big Horn River as far as the mouth of the Little Big Horn, where agreeable to Terry's orders it tied up.

Custer's orders to his majors, just before he separated from them to engage in the fight which ended so disastrously, were substantially these:

Reno was ordered to proceed to the left, and proceed in search of the Indians—the orders were apparently indefinite. Reno's command consisted of three companies.

Benteen, with three companies, was ordered to the left, with similar instructions.

General Custer, with four companies, taking the center.

This disposition was made on the afternoon of June 25th, near the Little Big Horn and it would seem a few miles below where the battle occurred.

This was about the last reliable information from Custer.

Following the distribution of the troops and their departure, we next meet with Reno and his command, who had gone several miles in the direction ordered and meeting with no enemy, had set out on his return, when he reached a point supposed to be about two miles from the Custer battlefield, he met the Indians, who came with such force and fury that Reno was driven back to the shelter of the timber which, fortunately, was not far away. Here Reno made a stand and succeeded in holding his ground, though at considerable loss, until relieved the following day by General Gibbons. Reno in the meantime had been reinforced by the return of Benteen and his command, and then the rifle pits were hastily constructed, and the Indians kept at bay for about twenty-four hours, inflicting, however, severe loss upon the troops.

It was early in this engagement of Reno's that the firing was said to be heard some distance away, down the Little Big Horn, and it was presumed that this firing proceeded from the Custer battlefield, and it was further presumed that if Reno had persisted, he could have reached the scene of carnage in time to have relieved Custer. But it also appears that the Indians whom Reno met in such force and fury were, many of them, those who had already been through the Custer engagement, and leaving it victors, had set out on their ponies to wreak a like atrocious slaughter upon the remaining detachments. From all accounts it is apparent that Sitting Bull had kept thoroughly informed of the disposition Custer had made of his forces, and planned, first, to destroy Custer, and then assail the Reno and Benteen detachments, which were widely separated.

It is further apparent that Sitting Bull was apprised of the proximity of Terry's "foot-soldiers," as he called them, and learning of their approach he abruptly changed his plans, and the order went out to the Indians to retreat and save themselves, which the wily medicine chief had already set about doing with much haste and disorder.

Regarding General Custer's movements with his regiment after leaving the main column of the Rosebud, the reader is referred to General Terry's official report, and more particularly to the testimony given in the court-martial trial of Major Reno, one of Custer's majors, which is given in the concluding pages in this chapter.

The first intelligence concerning Custer's lamentable and tragic fate that reached the ears of white men, is related in Joseph Mills Houston's interesting work entitled the "Conquest of the Missouri," based upon the statement of Capt. Grant Marsh, commander of the steamboat, *Far West*, which was lying at the mouth of the Little Big Horn, moored to the west bank. During the day of the 26th of June the captain and those on the boat were startled at seeing a naked Indian, armed, and mounted on a pony, crash through the bushes which fringed the east bank, and half dismounting and half falling from his animal, gestured to be taken aboard. Captain Marsh recognized the Indian as Curley, one of Custer's Crow Scouts, and without delay complied with his request. The Indian was terribly agitated, and piteously weak from exhaustion. It was some time before he could attempt to speak, but moaned, cried, and threw himself upon the deck, mumbling his agony of grief in *Shury Crow* language, but he could neither speak or understand a word of the English language. Gradually as Curley's becoming more composed, they drew from his gestures, mutterings, and one word that he pronounced which Marsh understood as meaning "bad," that an awful calamity had fallen to the troops, and that the soldiers had been defeated; which was all that Curley knew at the time, for he had left the battlefield while the fiercest of the slaughter was going on. An excited boat crew's statement made a little later and in response to Marsh, further added to the picture, and realizing that the white soldiers would be avenged, he sought out Custer and endeavored to persuade him to escape. The officers, feeling a moment

in which he could disguise himself, and his own pony, and urged him to save himself. Custer, however, refused to desert his troops, and Curley reluctantly left him, and made his own way to the mouth of the Little Big Horn where he found the steamboat, knowing nothing of its being there, it appeared: and was taken aboard, where by gesture, cries and groans, he related the disaster of the previous day.

It was claimed to be a rule among the Indians that they would not kill a scout of the opposing forces, but if caught as a spy, his punishment was death. This may have protected Curley from the Sioux on the battlefield, or he may have taken his chances of not being recognized in the maelstrom of slaughter then occurring when the hostiles were looking only for white foes and giving no attention to persons of their own race.

General Terry was the first to arrive at the Far West after Curley. He came on the 27th, bringing with him the wounded from Reno's command. Upon coming aboard, Terry's first words to the captain were, "This disaster should never have happened." He said no more; but the captain inferred that the original plan of the movement had not been followed, resulting in a terrible misfortune. The responsible parties were not named at this time nor later; but it seemed to be read between the lines of the official reports that temerity had cost a great sacrifice, suggesting that the plan of the movement against Sitting Bull had been frustrated and defeated by precipitate action.

The Custer massacre occurred the 25th. Terry reached the battle field on the 27th, rescued Reno's besieged forces; the Indians retiring on his approach with his "foot soldiers," and breaking up into small bands were able to escape to the west and south, Terry having no force to pursue. He buried the slain of Custer's force, and with fifty-one wounded men from Reno's battalion, borne on litters improvised, he made his way to the steamboat, placed his wounded aboard, and moved to the mouth of the Big Horn. Here, after a day's necessary delay, he dispatched the Far West with the wounded to Fort Lincoln, which carried also the official dispatches of the Custer tragedy. The boat reached Bismarck July 5th, and the first intelligence of the slaughter of Custer and his men was sent out to the world from the Bismarck office. The shocking intelligence created intense feeling throughout the nation. Custer was a favorite of the people. They had learned of his gallantry and courage during the Civil war, and regarded him with admiration due to a hero. He was one of the youngest, in years, of the country's general military commanders, and won his rapid promotion solely upon merit. His professional career had been a succession of victories; and his campaigns against the Indians, though brief, had demonstrated his ability in frontier warfare. He did not regard the Indians as a formidable enemy, and doubtless underestimated their prowess on the battle field, especially where their numbers were so far in excess of the troops as proved to be the case in this, his last battle.

TERRY'S OFFICIAL REPORT

The Custer tragedy occurred on the 25th of June. General Terry's official report furnishes the most reliable intelligence of the carnage, and is here given. It was dated near the battle field which Terry reached the day following the fight:

The reader is here referred to the subjoined official report, and to the testimony given at the inquiry of the military court subsequently held in Chicago, which appears near the close of this chapter, for the facts and incidents of Custer's command after its departure at the mouth of the Rosebud. In the Reno investigation will be found a statement of the march of Custer's column and the orders given by him to his subordinate officers previous to the battle of the Little Big Horn.

Headquarters Department of Dakota,
Camp on Little Big Horn River, June 27, 1876.

To Adjutant-General Military Division Missouri, Chicago:

It is a painful duty to report that day before yesterday, the 25th inst., General Custer overtook General Custer and the troops under his command. At 12 o'clock he set out and started with his whole regiment, and a strong detachment of mounted cavalry, from the mouth of the Rosebud. Proceeding up that river about twenty miles he struck a very heavy Indian trail, which had previously been discovered, and pursued it about ten miles, as it was supposed that it would lead to the Little Big Horn River. There he found a village of almost unexampled extent, and at once attacked it with that portion of his command which was immediately at hand.

Major Reno, with three companies, A, G and M, of the regiment was sent into the valley of the stream at the point where the trail strikes it. General Custer, with five companies, C, E, F, I and L, attempted to enter it about three miles lower down. Then, from the river, charged down its left bank, dismounted and fought on foot, until finally completely overwhelmed by numbers, he was compelled to retreat and seek a refuge and seek a refuge in the high bluffs which overlooked its right bank.

Just as he recrossed the Little Big Horn, Benteen, who with three companies, D, H and K, was some two miles to the left of Reno when the action commenced, but who had been ordered by General Custer to return, came to the river, and rightly concluding it was useless for his force to attempt to renew the fight in the valley, he crossed the bluffs. Captain McDougall, with his Company B, was at first at some distance in the rear with a train of pack mules. He also came up to Reno, and soon this united force was nearly surrounded by Indians, many of whom, armed with rifles, occupied positions which commanded the ground held by the cavalry, from which there were several sharp pits were dug and the fight was maintained, though with a heavy loss, from about 10 o'clock of the 25th till 6 o'clock of the 26th, when the Indians withdrew from the valley, taking with them their village.

Of the movement of General Custer and the five companies under his immediate command, scarcely anything is known from those who witnessed them, for the portion of the party who accompanied him has yet been found alive. His trail from the point where Major Reno crossed the stream passes along and in rear of the crest of the bluffs on the right bank for nearly or quite three miles; then it comes down to the bank of the river, but at once diverges from it, as if he had unsuccessfully attempted to cross the river, and almost completes a circle, and closes. It is marked by the remains of his camp and camp, and the bodies of his horses. Some of them dropped along the path, others are found where halts appear to have been made. There is abundant evidence that a gallant resistance was offered by the troops, but they were beset on all sides by superior numbers.

Mr. Bristol and Mr. Reed, a nephew of General Custer, were with him and were killed. No other officers than those whom I have named, are among the killed, wounded and missing. It is impossible as yet to obtain a reliable list of the killed and wounded, including officers. It must reach 250; the number of wounded is probably 100.

At the mouth of the Rosebud I informed General Custer that I should take the supply steamer Far West up the Yellowstone to Fort General Gibbons, where was the point that I should personally accompany that column, and that it would be all practically over the mouth of the Little Big Horn on the 27th inst.

The steamer reached General Gibbons' camp, near the mouth of the Little Big Horn, early on the morning of the 27th, at 4 o'clock. At the entrance of a gulch all our camp and animals were across the Yellowstone. The column, consisting of two companies of the Seventh Infantry, four companies of the Second Cavalry and a battery of mountain artillery, marched out to and across Tule Hill Creek, starting about after 10 o'clock in the morning. Fifty infantrymen made a march of twenty miles, over the most difficult country which I have ever seen in order that they might be near the Valley of the Little Big Horn. The cavalry with the battery was then pushed on to the mouth of the stream further, reaching camp at midnight. The column consisted of Indians, who were at first supposed to be Sioux, but when overtaken by the column they had been with Custer. They brought the first intelligence of the battle. Their story was not credited. It was supposed that some severe fighting perhaps had taken place, but it was not believed that Custer could have overtaken a large force of Indians. The column had broken camp very early and was on its way to the mouth of the stream, and was supposed to be near the mouth of the stream, and in a position to attack the condition of affairs, but there was no news of the battle, and it was supposed that the Indians, who, increasing their numbers, were now about 1,000, were still in the valley.

At 8 40 o'clock on that evening the column had reached General Gibbons' camp, and thirty miles. The men were very weary, and with few exceptions, they halted for the night at a point about 10 miles from the mouth of the stream. The morning the movement was resumed, and after a march of some miles, Major Reno's entrenched position was reached.

The withdrawal of the Indians from around Reno's command had been the result was undoubtedly caused by the movements of General Gibbons' troops. Major Reno's

Captain Benteen, both of whom are officers of great experience, accustomed to see large masses of mounted men, estimated the number of Indians engaged at not less than twenty-five hundred. The officers known to be killed are General Custer, Captains Keogh, Gates and Custer, Lieutenants Cook, Smith, McIntosh, Calhoun, Porter, Hodgson, Sturgis and Reiley, of the cavalry; Lieut. John J. Crittenden of the Twentieth Infantry, and Civilians Boston, Custer, Arthur, Reed, Mark Kellogg, Charles Reynolds, and Frank C. Mann; also Indian Scouts Bloody Knife, Bob Tailed Bull and Stab.

The Indian village in the valley was about three miles long and one mile wide. Besides the lodges proper, a great number of temporary brushwood shelters were found in it, indicating that many men besides its proper inhabitants had gathered together there. Major Reno is very confident that there were a number of white men fighting with the Indians. It is believed that the loss of the Indians is large. I have as yet received no official reports in regard to the battle, but what is stated is gathered from the officers who were on the ground then, and from those who have been over it since.

ALFRED H. TERRY, Brigadier-General.

The voyage of the *Far West* from the mouth of the Little Big Horn, with its half hundred suffering wounded troopers from Reno's command to the Yellowstone, thence to Bismarck, was graphically described by one of the voyagers. It provides a leaf of history of thrilling interest, and is here reproduced:

The steamer *Far West* was moored at the mouth of the Little Big Horn. She had made her way up the Big Horn farther than any other boat. She had performed one feat unprecedented in river navigation in reaching the mouth of the Little Big Horn, and was prepared to perform another unequalled in the annals of steamboating on western waters, an account of which was gleaned from Capt. Grant Marsh of Yankton on his arrival at his destination. The wounded brought down from Reno's command, some fifty-one in number, accompanied by General Terry in person, were placed aboard the boat. Doctor Porter was detailed to go down with them. Terry's adjutant-general, Ed Smith, was sent along with the official dispatches and a hundred other messages. He had a traveling bag full of telegrams for the Bismarck office. Marsh was in command. He put everything in the completest order and took on a large amount of fuel. He received orders to reach Fort Lincoln as soon as possible. He understood his instructions literally, and never did a river man obey them more conscientiously. On the evening of the 3d of July the steamer weighed anchor. In a few minutes the *Far West*, so fittingly named, was under full head of steam. It was a strange land, and an unknown river. What a cargo on that steamer; what news for the country; what a story to carry to the Government, to Fort Lincoln; to the widows. It was rushing from a field of havoc to a nation of mourners. The steamer *Far West* never received the credit due her; neither has the gallant Marsh; nor the pilots, David Campbell and John Johnson. Marsh, too, acted as pilot. It required all their endurance and skill. They proved the men for the emergency. The engineer, whose name unfortunately was not given, did his full duty. Every one of the crew is entitled to the same acknowledgment. They felt no sacrifice was too great upon that journey and in behalf of the wounded heroes. A very moderate imagination can picture the scene upon that floating hospital. There were wounds of every character, and men more dead than alive. The suffering was not terminated with the removal from the field to the boiler deck. It continued and ended in death more than once before Fort Lincoln was hailed. Porter watched for fifty-four hours; he stood the test. The Big Horn River is full of islands, and a successful passage even on the bosom of a June rise, is not an easy feat. The *Far West* would take a shoot on this or that side of an island as the quick judgment of the pilot would dictate. It is no river in the eastern sense of that word; it is only a creek. A steamboat moving as fast as a railway train in a narrow winding stream is not a pleasure. It was no pleasant sensation to be dashing straight at a headland, and the pilot the only power to save. Occasionally the bank would be touched and the men would topple over like ten-pins. It was a reminder of what the result would be if a snag was struck. Down the Big Horn the heroine went, missing islands, snags, and shore. It was a thrilling voyage. The rate was unrivaled in the annals of boating. Into the Yellowstone the staunch craft shot, and down that sealed river to pilots, she made over twenty miles an hour. The bold captain was taking chances, but he scarcely thought of them. He was under flying orders. Lives were at stake. His engineer was instructed to keep up steam to the highest pitch. Once the gauge marked a pressure that turned his cool head and made every nerve in his powerful frame quiver. The crisis passed and the *Far West* escaped a fate as terrible as Custer's. Once a stop was made, and a shallow grave explained the reason. He still rests in that lone spot. Down the swift Yellowstone like shooting the Lachine Rapids, every mile a repetition of the former. From the Yellowstone into the broad Missouri, then there was clear sailing. There was a deeper and wider channel and more confidence. A few minutes were lost at Buford. Everybody at the fort was beside himself. The boat was crowded with inquirers, and their inquiries were not half answered when the steamer was away. At Berthold a wounded scout was put off, and at Fort Stevenson a brief stop to tell in a word what had happened. There was no difference in the speed from Stevenson to Bismarck. The same

desperate rate was kept up to the end. They were approaching home with something of that feeling which always moves the human heart. At 11 o'clock on the night of the 5th of July they reached Bismarck and Fort A. Lincoln. One thousand miles in fifty-four hours was the proud record of speed. But there was no boasting. The awful solemnity of the boat's mission precluded even more than a brief reference to it at the time.

So intense and universal was the sentiment for the summary punishment of the Indians for this atrocious slaughter of Custer and his men, that public meetings were held in many places, resolutions adopted calling for the prompt and vigorous prosecution of the war against the savages, and voices were heard at these assemblings of the people favoring the extermination of the race, a proposition that met with surprising manifestations of approval. At the capital of Dakota a public meeting was held on the day succeeding the reception of the shocking intelligence, where resolutions were adopted, as follows:

Resolved, That we have heard with the deepest sorrow of the disaster which has befallen the nation in the slaughter of the gallant Gen. George A. Custer and his entire brave command while discharging the duty imposed on them by the Government of protecting our frontiers and settlements from the outlawed bands of savages, who have so long infested our borders and robbed and brutally murdered our defenseless people.

Resolved, That we extend our most profound sympathies to the wives and families of the officers and men of the Seventh United States Cavalry, who bravely fought and heroically died in defense of our frontiers.

Resolved, That the governor of the territory be requested to tender to the Secretary of War a regiment of mounted troops to aid in the vigorous prosecution of the present Indian war for such term of service as shall be required by the Government.

A number of excellent speeches were made by prominent citizens of the capital, some of whom expressed a willingness to enlist forthwith as private soldiers for the purpose of protecting the frontiers against what at the time threatened to become a war near home to the settlers of Dakota. After which the meeting adjourned.

Following the action of the meeting, the acting governor of the territory (the governor being absent) sent to the secretary of war the following, by telegraphic message:

Executive Office, Yankton, D. T., July 5, 1876.

Hon. J. D. Cameron, Secretary of War, Washington, D. C.

By the authority of the people of Dakota, and at their request, I hereby tender to the Government a regiment of troops to aid in the vigorous prosecution of war, necessary adopted by the Government to subdue the hostile Sioux of this territory and the Northwest.

GEORGE A. HARRIS,

Secretary and Acting Governor.

Replying to the tender of a regiment of volunteer cavalry from the Territory of Dakota, General Sheridan replied as follows in telegram to General Sherman, then in command of the army:

To Gen. W. T. Sherman, Washington.

Your dispatch received. I think it premature to think of asking for volunteer cavalry with the attendant expenses. If the six companies of the Thirty-second Infantry are sent, Terry he will have about two thousand men. Crick in a few days will have about one, and I send him Merritt's eight companies of the Fifth Cavalry, and more men will make him over two thousand strong. We are all doing good in this line. I deeply deplore the loss of Custer, his officers and men. I fear it was an unnecessary sacrifice due to misapprehension and an abundance of courage. The loss was very heavily developed in Custer. * * * There is nothing to be gained by going to have loaded the officers and men with him. The soldiers are not to be sent to have loaded the Indians if Custer had waited for a runner with them.

Hon. Simon Cameron, the then secretary of war, made a special report to the President concerning the Little Big Horn massacre, on the 9th of July, 1876, following, in which he states:

The accidental discovery of a H. on the western border of the Big Horn Agency, and the intrusion of our people there, have not caused the war to be more serious.

cated it by the uncertainty of numbers to be encountered. The young Indian warriors love war, and very frequently escape their agents to go on the hunt or the warpath, their only idea of the object of life. The object of these military expeditions was in the interest of the peaceful sort of the Sioux Nation, supposed to embrace at least nine-tenths of the whole, and not one of these peaceful treaty Indians has been molested by the military authorities. The recent reports touching the disaster which befell the Seventh Regular Cavalry, led by General Custer in person, are believed to be true. For some reason, as yet unexplained, General Custer, who commanded the Seventh Cavalry, and had been detached by his commander, General Terry, at the mouth of the Rosebud, to make a wide detour up the Rosebud (a tributary to the Yellowstone), across the Little Horn and down it to the mouth of the Big Horn, the place agreed upon for meeting, attacked en route a large Indian village with only a part of his force, having himself detached the rest with a view to intercept the expected retreat of the savages, and experienced an utter annihilation of his immediate command. The forces of General Terry and Gibbon reached the field of battle the next day, and rescued fifty-two wounded men, buried 261 dead men, including all the officers, soldiers and civilians who were with Custer's detachment. (The wounded were taken on litters to the mouth of the Little Big Horn, where the steamboat *Far West* lay awaiting the arrival of General Terry, with Capt. Grant Marsh in command, and were taken down the Big Horn and Yellowstone to Fort Abraham Lincoln.) * * * In the meantime General Crook had also advanced from Fort Fetterman, and on the 18th of June, eight days before the Custer attack, had encountered this same force of warriors at the head of the Rosebud, with whom he fought several hours, driving the Indians from the field, losing nine men killed, one officer, and twenty wounded.

(Signed) CAMERON.

Sitting Bull, on his retreat to the British possessions, was intercepted by General Miles at Clear Creek, a tributary of the Missouri, October 21st. He eluded General Miles, who followed him sixty miles, but was unable to stop him. The Indians divided, partly going toward the Missouri River agencies, but the chief and his followers struck toward Fort Peck, and made the crossing of the Missouri on the 24th of October; Miles was then obliged to give up the chase for the season. Sitting Bull could reach the British line and find a secure refuge on British soil before Miles could cross and overtake him. Miles, however, kept up a vigorous campaign during the winter succeeding, captured many hostile camps and drove the Sioux out of the Northern Pacific country, nearly all who had gone with Sitting Bull making their way back to the Missouri River agencies.

EDMUNDS COMMISSION APPOINTED

Following the Custer tragedy (June 26, 1876) there came a great wave of excitement, and a sentiment that the Indians should be exterminated seemed to be rapidly forming in the public mind. A race that could commit and countenance such a wanton slaughter, it was said, were no longer entitled to any consideration except such as would terminate their career by extinguishing the race. Whatever the defense the Indian might have had could get no hearing amid the general clamor for speedy vengeance. The Indians, in place of gaining a great victory by this atrocious butchery, apparently had accomplished their own defeat—a defeat that left them not only powerless, but without a foot of soil in the United States that they could safely flee to. They were themselves awestruck and trembling with fear as they began to realize their helpless and dangerous situation, and such of them as could do so without running the risk of detection, fled back to their reservations and agencies, and denied that they had participated in the atrocity or were connected with it in any way; and it would have been a difficult matter to prove the contrary, while Sitting Bull, fully aware that his part in the slaughter was well known to the authorities, fled with precipitate haste, with such of his followers as shared his mortal fear, to the British possessions, where they could find an asylum and enjoy the immunity afforded by exiling themselves on a foreign soil.

With the public mind in this inflamed condition, the Government was induced to take action to quiet the general indignation, and at the same time to apprise the Indians that they were no longer to be fostered and supported except by an

absolute surrender to the control of the Government, and by agreeing to relinquish all claim to ownership of the soil except such a reservation as the Government might set apart for their future homes. The Custer tragedy was the signal for a summary and radical departure from the former policy toward the Indians. Congress was in session at the time, and initiated new methods by providing for the Indian appropriation bill, which passed and was approved August 15, 1876, less than a month after the Little Big Horn atrocity, as follows:

"None of the moneys appropriated for said Indians shall be paid to any band thereof while said band is engaged in hostilities against the white people, and hereafter there shall be no appropriations made for the subsistence of said Indians unless they shall first agree to relinquish all right and claim to any country outside the boundaries of the permanent reservation established by the treaty of 1868 for said Indians, and also so much of the said permanent reservation as lies west of the 103d meridian of longitude; and shall also grant right of way over said reservation to the country thus ceded for wagon or other roads from convenient and accessible points on the Missouri River, in all not more than three in number; and unless they will receive all supplies herein provided for by said treaty of 1868, at such points and places on their reservation, and in the vicinity of the Missouri River as the President may designate; and provided also that no further appropriation for said Sioux Indians shall be made until some stipulation, agreement or arrangement shall have been entered into by said Indians with the President of the United States, which is calculated and designed to enable said Indians to become self-supporting."

With this law to govern its action, the President appointed a commission of eight eminent men, seven civilians and one soldier of great experience in treating and fighting the red men, General Sibley, to negotiate a new agreement with the Sioux Nation that would clear the way for the opening of the Black Hills and leave no just ground for complaint on the part of the Indians. The commissioners so appointed were: Hon. George W. Manwaring, Columbus, Ohio; H. C. Bullis, Esq., Decorah, Iowa; Hon. Newton Edmunds, Yankton, Dakota Territory; Rt. Rev. H. B. Whipple, Faribault, Minn.; A. G. Jones, Esq., Denver, Colo.; Hon. A. S. Gaylord, assistant attorney general, Washington; Gen. H. H. Sibley, St. Paul, Minn.; J. W. Daniels, Esq., St. Peter, Minn. The members of this commission first met at Omaha on the 28th of August, 1876, eleven days after the law became operative, and proceeded to Red Cloud Agency, also known as the Pine Ridge, where on the 7th day of September they met Chief Red Cloud and the head men of the Ogalalla tribe of the Sioux and the northern tribe of the Cheyennes and Arrapahoes, representing 4,000 Indians.

The commissioners here submitted to the Oglalas and others the provisions of the Act of Congress, and certain articles of agreement, as follows:

THE BLACK HILLS TREATY

Article 1. The said parties hereby agree that the northern and western boundaries of the reservation defined by article 2 of the treaty between the United States and certain tribes of the Sioux Indians, concluded April 16, 1868, and approved February 28, 1869, shall be as follows: The western boundary shall commence on the east boundary of longitude with the northern boundary of the State of Nebraska, thence south and east, said meridian to its intersection with the south fork of the Cheyenne River, thence down said stream to its junction with the north fork of said river, on the north fork of said Cheyenne River to the said north meridian, thence south along said meridian to the mouth of Cannon Ball River, or Coteau Creek, and the northern boundary of said reservation shall follow the said south fork of the Cheyenne River, thence south along said fork, and thence down the said Cannon Ball River to the mouth of said river, and the said parties hereby relinquish and cede to the United States all the country lying within said reservation, as herein marked and described, including all portions of lands, and article 16 of said treaty is hereby annulled.

Art. 2. The said Indians do hereby agree that they will receive all supplies, not exceeding three in number, from the Government, at such points on the Missouri River, the only said points, in the country thus bounded

west thereof, upon such routes as shall be designated by the President of the United States; and they also consent and agree to the free navigation of the Missouri River.

Art. 3. The said Indians also agree that they will hereafter receive all annuities provided for by the said treaty of 1868, and all subsistence and supplies which may be provided for them under the present or any future act of Congress, at such points and places on the reservation, and in the vicinity of the Missouri River, as the President of the United States shall designate.

Art. 4. The Government of the United States and the said Indians, being mutually desirous that the latter shall be located in a country where they may eventually become self-supporting and acquire the arts of civilized life, it is therefore agreed that the said Indians shall select a delegation of five or more chiefs and principal men from each band, who shall without delay, visit the Indian Territory under the guidance and protection of suitable persons to be appointed for that purpose by the Department of the Interior, with the view of selecting therein a permanent home for the said Indians. If such delegation shall make a selection which shall be satisfactory to themselves, the people whom they represent, and to the United States, then the said Indians agree that they will remove to the country so selected within one year from this date. And the said Indians do agree in all things to submit themselves to such beneficent plans as the Government may provide for them in the selection of a country suitable for a permanent home, where they may live like white men.

Art. 5. In consideration of the cession of the foregoing territory and rights, and upon full compliance with each and every obligation assumed by the said Indians, the United States does agree to provide all necessary aid to assist the said Indians in the work of civilization; to furnish to them schools and instruction in mechanical and agricultural arts as provided for by the treaty of 1868. Also to provide the said Indians with subsistence consisting of a ration for each individual of a pound and a half of beef (or in lieu thereof one-half pound of bacon), one-half pound of flour, and one-half pound of corn; and for every 100 rations, four pounds of coffee, eight pounds of sugar, and three pounds of beans, or in lieu of said articles the equivalent thereof in the discretion of the commissioner of Indian affairs. Such rations, or so much thereof as may be necessary, shall be continued until the Indians are able to support themselves. Rations shall in all cases be issued to the head of each separate family; and whenever schools shall have been provided by the Government for said Indians, no rations shall be issued for children between the ages of six and fourteen years (the sick and infirm excepted), unless such children shall regularly attend school. Whenever the said Indians shall be located upon lands which are suitable for cultivation, rations shall be issued only to the persons and families of those persons who labor (the aged, sick and infirm excepted), and as an incentive to industrious habits the commissioner of Indian affairs may provide that such persons be furnished in payment for their labor such other necessary articles as are requisite for civilized life. The Government will aid said Indians as far as possible in finding a market for their surplus productions, and in finding employment, and will purchase such surplus, as far as may be required, for supplying food to those Indians, parties to this agreement who are unable to sustain themselves; and will also employ Indians, so far as practicable, in the performance of Government work upon the reservation.

Art. 6. Whenever the head of a family shall, in good faith, select an allotment of land upon such reservation and engage in the cultivation thereof, the Government shall, with his aid, erect a comfortable house on such allotment; and if said Indians shall remove to said Indian Territory as hereinbefore provided, the Government shall erect for each of the principal chiefs a good and comfortable dwelling house.

Art. 7. To improve the morals and industrious habits of said Indians, it is agreed that the agent, trader, farmer, carpenter, blacksmith, and other artisans employed or permitted to reside within the reservation belonging to the Indians, parties to this agreement, shall be lawfully married and living with their respective families on the reservation; and no person other than an Indian of full blood, whose fitness, morally or otherwise, is not, in the opinion of the commissioner of Indian affairs, conducive to the welfare of said Indians, shall receive any benefit from this agreement or former treaties, and may be expelled from the reservation.

Art. 8. The provisions of the said treaty of 1868, except as herein modified, shall continue in full force and, with the provisions of this agreement, shall apply to any country which may hereafter be occupied by the said Indians as a home; and Congress shall, by appropriate legislation, secure to them an orderly Government; they shall be subject to the laws of the United States, and each individual shall be protected in his rights of property, person and life.

Art. 9. The Indians, parties to this agreement, do hereby solemnly pledge themselves, individually and collectively, to observe each and all of the stipulations herein contained, to select allotments of land as soon as possible after their removal to their permanent home, and to use their best efforts to learn to cultivate the same. And they do solemnly pledge themselves that they will at all times maintain peace with the Government and people of the United States; that they will observe the laws thereof, and loyally endeavor to fulfill all the obligations assumed by them under the Treaty of 1868 and the present agreement, and to this end will, whenever requested by the President of the United States, select so many suitable men from each band to cooperate with him in maintaining order and peace

on the reservation as the President may deem necessary, who shall receive compensation for their services as Congress may provide.

Art. 10. In order that the Government may faithfully fulfill the stipulations contained in this agreement, it is mutually agreed that a census of all Indians of said reservation shall be taken, in the month of December in each year, and the names of each Indian adult and adult person registered; said census to be taken in such manner as the Commissioner of Indian affairs may provide.

Art. 11. It is understood that the term reservation herein contained shall be made to any country which shall be selected under the authority of the United States as the future home of said Indians. This agreement shall not be binding upon either party until it shall have received the approval of the President and Congress of the United States.

Dated and signed at Red Cloud Agency, Nebraska, September 22, 1876.

George W. Manypenny,
Henry B. Whipple,
J. W. Daniels,
Albert G. Boone,

H. C. Bulis,
Newton Edmunds,
A. S. Gaylord,
Attest, Charles M. Hendley,

OGLALA SIOUX—CHIEFS AND HEADMEN

Mar-pi-ya-lu-ta' (Red Cloud)	Hts N	Mark	Good
Tax-un-ke-ko-ki-pe (Afraid of His Horse).	Hts N	Mark	Good
Xun-ka-lu-ta (Red Dog).	Hts N	Mark	Good
Ta-o-pi-ci-ka-la (Little Wound).	Hts N	Mark	Good
Wax-i-cun-tax-un-ke (American Horse).	Hts N	Mark	Good
Ma-to-ko-ki-pa (Afraid Of The Bear).	Hts N	Mark	Good
Ma-to-yam-ni (Three Bears).	Hts N	Mark	Good
Wa-kin-yan-pe-ta (Fire Thunder).	Hts N	Mark	Good
Ma-to-lu-za (Fast Bear).	Hts N	Mark	Good
Kan-gi-ho wax-te (Crow With A Good Voice).	Hts N	Mark	Good
Ma-to-a-yu-wi (Turning Bear).	Hts N	Mark	Good
I-tun-ka-san-waum-li (Weasel Eagle).	Hts N	Mark	Good
War-pe-xa (Red Leaf).	Hts N	Mark	Good
Ix-ta-pe-ta (Fire Eyes, or White Bull).	Hts N	Mark	Good
Pte-san-wi-ca-xa (Man White Cow).	Hts N	Mark	Good
Kan-gi-tan-ka (Big Crow).	Hts N	Mark	Good
Ta-tan-ke wax-te (Good Bull).	Hts N	Mark	Good
Xun-ki-ky-u-ha (Sorrel Horse).	Hts N	Mark	Good
I-tun-ka-san-ma-to (Weasel Bear).	Hts N	Mark	Good
Wa-hu-ke-za-non-pa (Two Lance).	Hts N	Mark	Good
O-we-xi-ca (Bad Wound).	Hts N	Mark	Good
Ma-to-wan-kan-tu (High Bear).	Hts N	Mark	Good
To-ki-cu (Me Takes The Enemy).	Hts N	Mark	Good
A-ki-ci-ta (Soldier).	Hts N	Mark	Good
I-te-gle-ga (Stupid Face, or Slow Bull).	Hts N	Mark	Good
Xun-ma-ni-to-wan-kan-tu (High Wolf).	Hts N	Mark	Good
Si-tan-ka (Big Foot).	Hts N	Mark	Good
Wak-in-yan-ska (White Thunder).	Hts N	Mark	Good
Xun-ki-to (Blue Horse).	Hts N	Mark	Good
Arapahoes—Black Coal, Crazy Bull, Little Wolf, Sharp Nose, Big Horn.	Hts N	Mark	Good
White Horse.	Hts N	Mark	Good
Cheyennes—Living Bear, Spotted Tail, Black Bear, Turkey Leg, Buffalo.	Hts N	Mark	Good
Shirt.	Hts N	Mark	Good

This agreement was also dated at Spotted Tail Agency, Nebraska, September 22, 1876, and signed by the following named Brule Sioux:

Sin-te-gles-ka (Spotted Tail).	Hts S	Mark	Good
Ma-to-lu-za (Swift Bear).	Hts S	Mark	Good
Non-ka-ta-pa (Two Strikes).	Hts S	Mark	Good
Wa-kin-ska (White Thunder).	Hts S	Mark	Good
He-ra-ka-na (Standing Elk).	Hts S	Mark	Good
Hi-to-to (Blue Teeth).	Hts S	Mark	Good
Baptiste Good.	Hts S	Mark	Good
Kan-gi-sa-pa (Black Crow).	Hts S	Mark	Good
Tax-un-ke-wa-ki-te (Foolish Horse).	Hts S	Mark	Good
Ma-to-cun-xi-ca (Wicked Bear).	Hts S	Mark	Good
Wam-li-ci-ka-la (Little Eagle).	Hts S	Mark	Good
Xun-ka-lu-ta (Red Dog).	Hts S	Mark	Good
Ta-cun-pi-to (Blue Thunder).	Hts S	Mark	Good
Xun-ka-lu-za (Fast Bear).	Hts S	Mark	Good
Me-wa-tum-ban-ta (Full Moon).	Hts S	Mark	Good
He-tun-ka-san-lu-ka (Red Wound).	Hts S	Mark	Good
Ma-to-wa-ki-te (Sorrel Bear).	Hts S	Mark	Good

HISTORY OF DAKOTA TERRITORY

Muggins.	His X Mark (Seal).
Ix-nal-a-wi-ca (Only Male).	His X Mark (Seal).
Ma-to-can-wegna-i-ya-ye (Bear In The Wood).	His X Mark (Seal).
Ho-bu (Coarse Voice).	His X Mark (Seal).
Co-ni-ca-wa-ni-ca (No Flesh).	His X Mark (Seal).
Ma-to-wau-kan-tyu (High Bear).	His X Mark (Seal).
Wi-cam-pi-tan-ka (Big Star).	His X Mark (Seal).
A-kano-kak-te (Killed On Horseback).	His X Mark (Seal).
Ix-ta-ska-ska (White Eyes).	His X Mark (Seal).
Wam-ni-on-mi-a-ki-ci-ta (Whirlwind Soldier).	His X Mark (Seal).
Wa-kin-yan-can-gle-ska (Ring Thunder).	His X Mark (Seal).
Wa-kin-gan-wam-li (Thunder Eagle).	His X Mark (Seal).
X-ke-ca-gu-ax-kin-gan (Crazy Mink).	His X Mark (Seal).
Ho-wax-te (Good Voice).	His X Mark (Seal).
Ta-ku-dan-ko-ki-pex-ni (Afraid Of Nothing).	His X Mark (Seal).
Can-te-pe-ta (Fire Hart).	His X Mark (Seal).
Wa-pas-wa-pi (Roast).	His X Mark (Seal).
I-te-cant-ku-ze (Yellow Breast).	His X Mark (Seal).
Ma-za-wan-a-pin-ya (Iron Necklace).	His X Mark (Seal).
Sin-te-gle-ska-holk-xi-la (Young Spotted Tail).	His X Mark (Seal).
Ma-to-wa-na-gi (Bear Ghost).	His X Mark (Seal).
Xun-ka-ix-la-la (Lone Dog).	His X Mark (Seal).
P-te-san-wi-ca-xa (White Buffalo Man).	His X Mark (Seal).
Maz-ix-ta (Iron Eyes).	His X Mark (Seal).
A-san-pi (Milk).	His X Mark (Seal).
Ce-tan-wam-li (Eagle Hawk).	His X Mark (Seal).

I hereby certify that the foregoing treaty was read and explained by me and was fully understood by the above named Indians before signing, and that the same was executed by the above Ogallala Sioux, Cheyennes and Arapahoes, at Red Cloud Agency, on the 20th day of September, A. D. 1876; and by the Brule Sioux at Spotted Tail Agency on the 23d day of September, A. D. 1876.

SAMUEL D. HINMAN,

Official Interpreter.

Attest: Louis Bordeaux, William Garnett, William Roland, Henry C. Clifford,

Interpreters.

The foregoing articles of agreement having been fully explained to us in open council, we, the undersigned chiefs and head men of the various bands of Sioux Indians receiving rations and annuities at the Standing Rock Agency, in the Territory of Dakota, do hereby consent and agree to all the stipulations therein contained, with the exception of so much of article four of said agreement as relates to our visit and removal to the Indian Territory; in all other respects the said article remaining in full force and effect.

Witness our hands and seals at Standing Rock Agency, Territory of Dakota, this 11th day of October, A. D. 1876.

LOWER YANCTONAIS

Ma-to-non-pa (Two Bears).	His X Mark (Seal).
Ta-shunka-ko-ki-pa-pi (He Fears His Horse).	His X Mark (Seal).
Wa-ha (Cotton Wood).	His X Mark (Seal).
Ho-gan-du-ta (Red Fish).	His X Mark (Seal).
Ma-to-Gnawh-kin-yan (Mad Bear).	His X Mark (Seal).
Co-kam-ti (Camp in Middle).	His X Mark (Seal).
Ta-tan-kia-wa-na-gi (Bull's Ghost).	His X Mark (Seal).
Wa-on-zo-e-ge (Pantaloon).	His X Mark (Seal).
Ma-to-chi-ti-ka (Brave Bear).	His X Mark (Seal).
Can-icu (Drag Wood).	His X Mark (Seal).
I-ya-yog-man-ni (Walk Out Of The Way).	His X Mark (Seal).
Ig-mu-a-pa (Black Wild Cat).	His X Mark (Seal).
A-ki-ci-ta-ci-ka-la (Little Soldier).	His X Mark (Seal).
Canh-pi-sa-pa (Black Tomhawk).	His X Mark (Seal).
Ha-ha-ka-ma-za (Iron Elk).	His X Mark (Seal).
In-yang-ma-ni (Running Walker).	His X Mark (Seal).
Ta-shunka-wit-ko (Fool Dog).	His X Mark (Seal).
Wanm-li-na-pin (Eagle Necklace).	His X Mark (Seal).

UPPER YANCTONAIS

Na-su-lan-tan-ka (Big Head).	His X Mark (Seal).
Shun-ka-ha-na-pin (Wolf Necklace).	His X Mark (Seal).
Ish-ta-sa-pa (Black Eye).	His X Mark (Seal).
Ta-hin-ca-ska (White Deer).	His X Mark (Seal).
Ta-tan-ka-lu-ca (Red Bull).	His X Mark (Seal).
Maga (Goose).	His X Mark (Seal).

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Site 1	1	100%	(100%)
Site 2	1	100%	(100%)
Site 3	1	100%	(100%)
Site 4	1	100%	(100%)
Site 5	1	100%	(100%)
Site 6	1	100%	(100%)

His X Mark (Seal)	
His X Ma	
His X Mark	
His X Mark	
His X Mark (Seal)	
His X Mark	
His X Mark	
His X Mark (Seal)	
His X Mark	
His X Mark	

[illegible]

Official Interpreter

Witness our hands and seals at Cheongpa River, August Twentieth of the
16th day of October, A. D. 1876.

[illegible]

Year	Age	Sex	Location	Notes
1998	10	M
1999	11	F
2000	12	M
2001	13	F
2002	14	M
2003	15	F
2004	16	M
2005	17	F
2006	18	M
2007	19	F
2008	20	M
2009	21	F
2010	22	M
2011	23	F
2012	24	M
2013	25	F
2014	26	M
2015	27	F
2016	28	M
2017	29	F
2018	30	M
2019	31	F
2020	32	M
2021	33	F
2022	34	M
2023	35	F
2024	36	M
2025	37	F
2026	38	M
2027	39	F
2028	40	M
2029	41	F
2030	42	M
2031	43	F
2032	44	M
2033	45	F
2034	46	M
2035	47	F
2036	48	M
2037	49	F
2038	50	M
2039	51	F
2040	52	M
2041	53	F
2042	54	M
2043	55	F
2044	56	M
2045	57	F
2046	58	M
2047	59	F
2048	60	M
2049	61	F
2050	62	M
2051	63	F
2052	64	M
2053	65	F
2054	66	M
2055	67	F
2056	68	M
2057	69	F
2058	70	M
2059	71	F
2060	72	M
2061	73	F
2062	74	M
2063	75	F
2064	76	M
2065	77	F
2066	78	M
2067	79	F
2068	80	M
2069	81	F
2070	82	M
2071	83	F
2072	84	M
2073	85	F
2074	86	M
2075	87	F
2076	88	M
2077	89	F
2078	90	M
2079	91	F
2080	92	M
2081	93	F
2082	94	M
2083	95	F
2084	96	M
2085	97	F
2086	98	M
2087	99	F
2088	100	M
2089	101	F
2090	102	M
2091	103	F	...	

TWO-KETTLES

Ma-to-to-pa (Four Bears).	His X Mark (Seal).
Cu-wi-hi-a-ma-ni (Rattling Ribs).	His X Mark (Seal).
Ma-wa-ta-ni-han-ska-hok-xila (Long Mandan's Son).	His X Mark (Seal).
Can-ha-ha (The Log).	His X Mark (Seal).
Ta-can-hpi-lu-ta (Red Tomahawk).	His X Mark (Seal).
Wo-ka-ye (Brings The Food).	His X Mark (Seal).
Mato-waak-ton-sya (Forgetful Bear).	His X Mark (Seal).
Xung-gles-ka-sapa (Black Spotted Horse).	His X Mark (Seal).
Shunka-wan-jila (The Lone Dog).	His X Mark (Seal).
He-ha-ka-ska (White Elk).	His X Mark (Seal).
Mato-gles-ka (Spotted Bear).	His X Mark (Seal).
P-te-san-wanm-fi (White Cow Eagle).	His X Mark (Seal).
Mato-wanm-li (Bear Eagle).	His X Mark (Seal).
Mato-tan-ka (Big Bear).	His X Mark (Seal).
Cetan-luz-a-han (Swift Hawk).	His X Mark (Seal).
Wam-ni-om-ni-luz-a-han (Swift Whirlwind).	His X Mark (Seal).
Tax-unke-koki-papi (Afraid Of His Horse).	His X Mark (Seal).
He-bo-la-non-pa (Good Thunder).	His X Mark (Seal).
Pe-ji-to (Green Grass).	His X Mark (Seal).
Zit-kala-kin-yan (Flying Bird).	His X Mark (Seal).
Tax-un-ka-maza (Iron Horse).	His X Mark (Seal).
P-te-san-wi-caxi (White Cow Man).	His X Mark (Seal).
In-yan-hank-sa (Long Stone).	His X Mark (Seal).
Sin-te-non-pa (Two Tails).	His X Mark (Seal).
Kin-yan-x-api (Flying Laughing).	His X Mark (Seal).
Na-ta-la (Head).	His X Mark (Seal).
Xung-les-ka (Spotted Horse).	His X Mark (Seal).
Xi-yo-sapa (Black Prairie Chicken).	His X Mark (Seal).
Wa-ku-wa-ma-ni (Walking Hunter).	His X Mark (Seal).

MINNECONJOUX

Ma-gas-ka (Swan).	His X Mark (Seal).
Ma-gak-xi-ca (The Duck).	His X Mark (Seal).
Cante-wan-ica (No Heart).	His X Mark (Seal).
Cante-wan-ica-wi-cah-ca (Old Man No Heart).	His X Mark (Seal).
Maoha-ka (Standing Bear).	His X Mark (Seal).
Ix-na-wa-san-ica (The Half).	His X Mark (Seal).
Xina-ska (White Robe).	His X Mark (Seal).
Canhpi-sapa (Black Tomahawk).	His X Mark (Seal).
Mato-wankan-tu-ya (High Bear).	His X Mark (Seal).
Wink-te-non-pa (The Keg).	His X Mark (Seal).
Kan-ka-ca-lu-ta (Red Plume).	His X Mark (Seal).
He-hah-ska-ska (Long Horn).	His X Mark (Seal).
Mato-wax-te (Good Bear).	His X Mark (Seal).
Tatanka-paha-kan-na-jin (Bull on the Hill).	His X Mark (Seal).
Xi-yo-han-ska (Tall Prairie Chicken).	His X Mark (Seal).
Cetan-gle-ska (Spotted Hawk).	His X Mark (Seal).
In-yan-bos-la-han (Standing Rock).	His X Mark (Seal).

Attest: Charles O. Wickoff, Captain Eleventh Infantry; Leslie Smith, Captain First Infantry, Brevet Major, U. S. Army; William Fielder, Mark Wells, Interpreters.

I certify that the foregoing agreement was read and explained by me, and was fully understood by the above named Sioux Indians before signing, and that the same was executed by the said Sioux Indians at Cheyenne River Agency, Dakota, on the 16th day of October, A. D. 1876.

SAMUEL D. HINMAN,

Official Interpreter.

The foregoing articles of agreement having been fully explained to us in open council, we, the undersigned chiefs and headmen of the Sioux Indians receiving rations and annuities at Crow Creek Agency, in the Territory of Dakota, do hereby consent and agree to all the stipulations therein contained, with the exception of so much of article four of said agreement as relates to our removal to the Indian Territory; in all other respects the said article remaining in full force and effect.

Witness our hands and seals at Crow Creek Agency, Territory of Dakota, this 21st day of October, A. D. 1876.

LOWER YANKTONAIS

Wa-ni-gi-ska (White Ghost).	His X Mark (Seal).
Wan-di-sapa (Black Eagle).	His X Mark (Seal).

Wi-zi (Old Lodge).	His X Mark (Seal).
Na-jin-yan-u-pi (Surrounded).	His X Mark (Seal).
Matao-wa-tak-pe (Attacking Bear).	His X Mark (Seal).
Ma-to-wa-ku-wa-wi-car-ca (Old Man Running Bear).	His X Mark (Seal).
Mato-wakuwa-hok-xina (Young Man Running Bear).	His X Mark (Seal).
Kata-ya-pi (Killed).	His X Mark (Seal).
Mato-wak-o-ki-pe (Fearless Bear).	His X Mark (Seal).
Mato-ska (White Bear).	His X Mark (Seal).
Wak-su-ye-mani (Returns from War).	His X Mark (Seal).
Kas-de (Splits).	His X Mark (Seal).
Ca-gu-ska (White Lungs or Bear Ghost).	His X Mark (Seal).
Wan-di-wi-caxa (Eagle Man).	His X Mark (Seal).
Mato-ce-ki-ya-pi (They Worship The Bear).	His X Mark (Seal).
Kan-gi-iawa-kan (Sacred Talking Crow).	His X Mark (Seal).
Ce-tan-koy-ag-mani (Walks With a Hawk).	His X Mark (Seal).
Ma-ga-bob-du (Stormy Goose).	His X Mark (Seal).
Wa-ge-hun-ka (Yellow Man).	His X Mark (Seal).
Nak-pa-wan-ji-na (One Ear).	His X Mark (Seal).
On-spex-ni (He Don't Know).	His X Mark (Seal).

Attest: Henry F. Livingston, Franklin J. DeWitt.

Edward Ashley, H. Burt, Antoine LeClare, Interpreters.

I certify that the foregoing agreement was read and explained by me, and was fully understood by the above named Sioux Indians before signing, and that the same was accepted by the said Sioux Indians at Crow Creek Agency, Dakota, on the 21st day of October, A. D. 1876.

SAMUEL D. HINMAN

Official Interpreter.

The foregoing articles of agreement having been fully explained to us in open council, we, the undersigned chiefs and head men of the Sioux Indians receiving rations and annuities at Lower Brule Agency, in the Territory of Dakota, do hereby consent and agree to all the stipulations therein contained, with the exception of so much of article four of said agreement as relates to our visit and removal to the Indian Territory; in all other respects the said article remaining in full force and effect.

Witness our hands and seals at Lower Brule Agency, Territory of Dakota, this 24th day of October, A. D. 1876.

LOWER BRULES

Ma-za-o-ya-te (Iron Nation).	His X Mark (Seal).
Ta-tan-ka-wa-kan (Medicine Bull).	His X Mark (Seal).
P-te-san-wi-cqk-te (White Buffalo Cow).	His X Mark (Seal).
Xi-yo-ci-ka-la (Little Pheasant).	His X Mark (Seal).
Ta-tan-ka-pa (Buffalo Head).	His X Mark (Seal).
Mar-pi-ya-ina-jin (Standing Cloud).	His X Mark (Seal).
Can-te-wi-cu-wa (Useful Heart).	His X Mark (Seal).
Mato-xake-han-ska (Long Bear Claws).	His X Mark (Seal).
Ix-na-wi-ca (Only Man).	His X Mark (Seal).

Attest: Henry E. Gregory; I. D. DeRussy, Captain Second Infantry, U. S. A.; Zephyr Rencointre, H. Burt, Interpreters.

I certify that the foregoing agreement was read and explained by me, and was fully understood by the above named Sioux Indians before signing, and that the same was accepted by said Sioux Indians at Lower Brule Agency, Dakota, on the 24th day of October, A. D. 1876.

SAMUEL D. HINMAN

Official Interpreter.

The foregoing articles of agreement having been fully explained to us in open council, we, the undersigned chiefs and head men of the Sioux Indians receiving rations and annuities at the Santee Reservation, in Knox County, in the State of Nebraska, do hereby consent and agree to all the stipulations therein contained, with the exception of so much of article four of said agreement as relates to our visit and removal to the Indian Territory; in all other respects the said article remaining in full force and effect.

Witness our hands and seals at Santee Agency, County of Knox, State of Nebraska, this 27th day of October, A. D. 1876.

Joseph Wabashaw.
Hake-wax-te.
Wakute (The Shooter).
Hux-axa (Red Legs).
Mar-pi-ya-du-ta (Red Cloud).
Wakan-ini-hanoku.

His X Mark (Seal).
His X Mark (Seal).
His X Mark (Seal).
His X Mark (Seal).
His X Mark (Seal).

Wa-man-on-sa (The Thief).	His X Mark (Seal).
Star Frazier.	His X Mark (Seal).
Pe-pe (Sharp).	His X Mark (Seal).
He-ha-ka-ma-za (Iron Elk).	His X Mark (Seal).
Tun-kan-wax-tex-te (The Good Stone God).	His X Mark (Seal).
Daniel W. Hemans.	(Seal).
Eli Abraham.	(Seal).
Geo. Paypay.	(Seal).
Artemas E-hu-a-ma-ni.	His X Mark (Seal).
James Paypay.	(Seal).

Attest: Charles H. Searing, Joseph W. Cook; Charles Mitchell, Alfred L. Riggs, Interpreters.

I certify that the foregoing agreement was read and explained by me, and was fully understood by the above named Sioux Indians before signing; and that the same was executed by the said Sioux Indians at Santee Agency, County of Knox and State of Nebraska, on the 27th day of October, A. D. 1876.

SAMUEL D. HINMAN,
Official Interpreter.

Inasmuch as thousands of the descendants of these Indian chieftains and headmen and others are now living in the western counties of the Dakotas, who have been reared in civilized homes and taught in the English language by the common schools, they are able to read and understand this Black Hills agreement, and doubtless many of them will recognize among the signers to the agreement their own ancestors who were influential members of their race at the time their people lived under the tribal organization. They will also be able to judge for themselves that the Government of the United States was mindful of the material and moral condition and welfare of these ancestors and of their descendants, in making the agreement which surrendered the Black Hills country to the Great Father and his Government, a country, though rich in gold and less valuable minerals, was of no practical value to the Indians of that day, who possessed no knowledge of the art of mining. They will now understand that before any great amount of gold or other mineral can be taken from the Black Hills deposits, hundreds of thousands of dollars had first to be expended in finding the gold in the earth and rocks and in building machinery that would separate and secure it.

REMOVAL TO INDIAN TERRITORY

Under Article 4 of the agreement submitted to the Sioux by the Indian Treaty Commission of 1876, the Indians were given the alternative of selecting a reservation in the Indian Territory, and were invited to send a delegation to that country for the purpose of inspecting it. The Government authorities favored the removal of the Sioux from Dakota for a number of reasons: First, that the Indian Territory would furnish them a region better suited to agricultural pursuits, which thenceforth they were expected to follow, peaceably and willingly; and they would also have the advantage of civilized Indians as neighbors, who would be able to render them valuable assistance in their new mode of life. But neither of these inducements appealed with any force to the Sioux, who had yet, in a vast majority of individuals, to overcome their natural disinclination to civilization in any form.

The alternative proposition permitted their remaining in Dakota and accept a reservation east of the two branches of the Cheyenne River, extending east to the Missouri River, surrendering to the Government all their claims to the country enclosed by the Forks, being the Black Hills, and all other lands whatsoever, to which they claimed ownership, except the reservation to be granted under this new agreement.

Before deciding, the Indians were permitted to send a delegation to the Indian Territory to investigate that region. Spotted Tail, head chief of the Brules, and two or three leading chiefs of the Ogalalas accompanied this delegation, which numbered ninety representatives from the tribes. Red Cloud was unable to go. The delegation was taken down in the cars after reaching the railroad, and were

in the Indian Territory about two weeks during October and November, 1876. They were well received by the civilized Creek Indians, who were anxious to have them settle in their country, as plainly appears from the speech made to them at Okmulgee, the capital of the Creek Nation, in the council house by the Creek chief, who addressed them as follows:

To the Sioux.

My Brethren: I am well pleased to see you here in the Muskogean Nation, brethren of the same race as ourselves. I was told a long time ago that my red brethren were found that were living in the far Northwest. I had heard of the name of your tribe and of many of your leading chiefs. I have heard of your great men great in war and great in council. I have heard of your trouble on account of the intrusion of white men on your territories in search of gold. I have heard that the United States Government had determined to remove you from your present home, and perhaps it might be to this Indian Territory to the west of us. When I heard that you might possibly come to this territory, which has been set apart for a home for the Indians forever, I was glad. I would like to have all our red brethren settled in this territory, as we have provided a new treaty. We the Creeks and Cherokees, have the same kind of title and patent for our lands from the United States, which guarantees this territory to us for a home, under our own form of government, by people of our own race, as long as grass grows and water runs. And I think, therefore, we shall live forever on our lands. I should like, and I express the wish of our people—that every Indian tribe should come here and settle on these lands, that this territory may become filled up with Indians, to the exclusion of others who may be allowed to our race and interests. We believe our right to our soil and our government, which is best suited to our peculiar necessities, would be safer if all our race were united together. That is my earnest wish. Then I think the rising generation could be educated and civilized, and, what is still better, Christianized, which I believe would be the greatest benefit of all. This would be to our mutual benefit and good. I know I express the mind of our people when I give you this welcome to our life of a higher civilization, which is better than the old life so long led by our race in the past.

The Brule Sioux chief, Spotted Tail, made a non-committal reply to this excellent welcoming address, showing that he had not concluded that it was best for his people to abandon their Dakota homes. The diplomatic old warrior said:

My red brethren, we are glad to meet you and listen to your talk. We have come in peace to your country to see it for ourselves, as our Great Father has asked. We have gathered all things together for ourselves. When the white men want our things we give it away. My country is covered with gold. I have made a bargain with our Great Father to sell it, because the white men came to take it from us to give the gold. I don't know what I am to get for it yet. We have come here to see your country and see if we like it. I suppose in the bargain your Great Father gave you the land he told you to come and after that taught you to read, so you can talk. Our Great Father has not kept his promise. He has not fulfilled his promises to us. We have passed through all the Arapahoe and Arapahoe country. We saw no good horses, all starved, nothing but poor little ones. All the people are poor. My land is covered with a hard frost and hard frosts kill the corn growing at this country. When I get through I want to see our Great Father and tell you him, and then I can tell more about it.

Governor Ross, a full-blooded Indian, and other leading Christians, called on Chief Spotted Tail and his delegation at Muskogee, and expressed to them a deep interest in the welfare of their people, and hoped they would decide to make the country they had visited their home to commence the work of civilization.

The visiting delegation then returned to their homes in Dakota, but disclosed no desire to change their abiding place. Dakota was their home and they did not desire to be exiled, though so far as they were capable of forming an opinion from their brief sojourn, the Indians they had visited were in a prosperous and happy condition, provided with comfortable homes and surrounded with fruitful fields, horses, cattle and hogs and flocks in abundance, and assured the visitors that they would be glad to have them located in the territory. But the Sioux had no heart for the change; they knew the stream had the power of Dakota, where they had been born and reared, and loved their home, as they lacked in the fertility and softer climate which was provided them in Oklahoma or the Indian Territory; and nothing more was heard of the removal proposition after their return and the details of their stay in this people.

Article 4 of the treaty which the commissioners had prepared was not presented to the Sioux except those that belonged to the Red Cloud and Spotted Tail agencies.

MILITARY OPERATIONS FOLLOWING THE CUSTER CATASTROPHE

General Crook's command was encamped on Heart River in Dakota, about one hundred miles west of Fort Lincoln, on September 5, 1876, from which point he advised the department as follows: "After separating from Terry, August 24th, I followed the Indian trail leading south some two hundred miles, experiencing much delay on account of continuous cold rains. Considerable sickness exists and the troops are generally discouraged. The Indians seem to have scattered in many directions. The troops are on short rations and the horses generally broken down. The command will march to the Black Hills and await supplies there."

In the closing weeks of the Indian campaign of 1876 the hostile Indians divided, and large bodies came south and east, entering the Territory of Dakota, thence into the valley of the Little Missouri. They were followed by General Crook, who on the 15th of September reported from his camp on Owl Creek, Dakota Territory, "that the Indians were returning to their agencies, while a large number made off into the vicinity of the Black Hills, where they began depredations on the emigrant trains and outlying mining camps of the whites, committing many atrocities." The general sent a detachment of troops from Owl Creek to Deadwood for supplies. This detachment, which numbered 150, fell in with a hostile camp near Slim Buttes, in Butte County, D. T., of thirty lodges. An engagement followed, resulting in the capture of the Indian village, which was in command of Chief American Horse, who was among the killed. A number of the surviving Indians were made prisoners, from whom much information was obtained regarding the future plans of the hostiles; and many articles that had belonged to the soldiers who fell in the Custer massacre were also secured, proving that this party had probably been engaged with Sitting Bull.

After the battle of Little Big Horn, June 25, 1876, Generals Terry and Crook spent the months of July and August, with their respective commands, in a vain effort to capture the Indians engaged in that slaughter, or a portion of them. Sitting Bull and his bands had made good their escape, which ended in his safely reaching British Columbia. All the other thousands had scattered, as one of Crook's officers expressed it, "to every point of a circle," and about September 1st General Terry was still on the Yellowstone, and General Crook on the headwaters of Heart River, Dakota. From his camp on Heart River, Crook telegraphed General Sheridan, under date of September 5th, as follows:

I have with me only about two days' provisions, but I shall push out for the Black Hills to try to reach there in advance of the hostiles, or as soon as they do, scouting the country on the march as thoroughly as the circumstances will permit. We have traveled over four hundred miles since leaving our wagon train, our animals are now most jaded, and many of them have given out, while our men begin to exhibit symptoms of scorbutic affections. As things look now, Custer City will probably be the base to operate from. I would like to have 200,000 pounds of grain sent there at once, together with twenty full days' rations of vegetables for the men. I would like to have two companies of cavalry sent across the country from Red Cloud, via Pumpkin Butte, by forced marches, to escort my wagon train from the Dry Fork of the Powder River, by the miners' road, to Deadwood City, in the Black Hills, so as to get it there with all possible dispatch.

GEORGE CROOK,
Brigadier General.

Camp Owl River, Dakota, September 10, 1876.

General Sheridan, Chicago.

Marched from Heart River, passing a great many trails of Indians going down all of the different streams we crossed between Heart River and this point, apparently working their way in toward the different agencies. Although some of the trails seemed fresh, our animals

Brigadier General, Commanding.

[illegible]

The head of General Crook's column arrived at 1.30 A. M., and American Horse, mortally wounded, his family of some twelve persons, two warriors, a niece of Redelond's and four dead bodies were taken from the gorge, not, however, without loss. About 5 P. M. the Indians resumed the contest with more than double their former force, but were handsomely repulsed by our then strong command. I learn from the prisoners that Crazy Horse, with the Cheyennes, a village of some three hundred lodges, was within eight or ten miles, and that the strength of the village taken consisted of about two hundred souls, 100 of them warriors.

My loss was: Killed—Private John Winzel, Company A, Third Cavalry. Wounded were: First Lieut. A. H. Von Leutwitz, leg afterward amputated; Sergt. John A. Kirkwood, Company M; Sergt. Edward Glass, Company E; Private Edward Kiernnan, Company E; Private William B. Dubois, Company C; Private August Doran, Company D; Private Charles Foster, Company B, all of the Third Cavalry. It is impossible to estimate the enemy's loss, as they were principally carried away, although several were left on the field.

This concluded Captain Mills' campaign as commander of the pioneer party. The Indians, however, continued to annoy the united command now under General Crook's personal supervision. The weather had been rainy and cold for many days, and the entire command had been subsisting on horse meat, without salt, which had been procured from the bodies of the exhausted animals who proved unable to keep their places in the marching column. The capture of the Indian village at Slim Buttes had brought some relief to the half-starved soldiers in a quantity of dried Indian pony meat which proved an agreeable change from the flesh of the attenuated cavalry horse. No body of American soldiers were ever in a more destitute and suffering plight than this army during its entire journey from the Heart River to the Belle Fourche. After crossing this latter stream, which was forded with considerable difficulty owing to the enfeebled condition of the animals and men, an order reached General Crook from General Sheridan at this point commanding the brigade to march southward, through the Black Hills, and directed Crook to meet Sheridan at Fort Laramie without loss of time. It was now September 14th. A train laden with supplies for the famishing troops arrived from the people of Deadwood at this time in response to a requisition Crook had made by advance courier sent some days before. The sun shone warm and bright, and officers and men enjoyed a holiday. General Crook with an escort turned the command over to General Merritt, and on the 15th took leave of his troops and started on his southern journey, passing through Deadwood, where he was given a cordial reception, and on through the hills via Custer City to Laramie, where his conference with Sheridan led to the surrender of the ponies and guns of Red Cloud's refractory people.

The command under General Merritt moved to a camp in the foothills where the Whitewood Creek enters the plains from the hills, an ideal camp, called Centennial Park, and a few days later continued their march to the southern hills, where they were detained some time at French Creek awaiting orders, and finally sent over to the vicinity of the Red Cloud Agency, where the Indians were excited and threatening because of the proceedings then pending for the cession of the territory embracing the Black Hills, which was accomplished that year, in the face of much opposition and danger.

And here the campaign against the Indians, for the eventful year of 1876, finds its termination. It had been the most important, considering its collateral events, of any similar campaign in the history of the United States, and much of it of the greatest importance, bearing upon the material advancement of the great Northwest, transpired within Dakota.

MILES IN PURSUIT OF SITTING BULL

A dispatch from Gen. Nelson A. Miles, of October 27, 1876, who had been pursuing Sitting Bull and had captured large quantities of his supplies, which the fleeing hostiles were unable to remove, reported that Sitting Bull and about one thousand of his followers had escaped, but were in danger of starvation and freezing. Four hundred lodges of Indians from the Cheyenne Agency who had

been with Sitting Bull had surrendered, and as a guarantee of their good faith to keep the peace, surrendered five of their principal men as hostages for the good behavior of the remainder. These five chiefs were sent to Fort Snelling, Minnesota, headquarters of the department. The 400 lodges were sent at once to their agency at Cheyenne, where they were to be dealt with as the Government deemed best. They were disarmed. Whether the Government inflicted any punishment upon them does not appear; but the Cheyennes abandoned the war path from that time and Sitting Bull's warrior hosts were never again reassembled.

General Miles did valiant work during the winter of 1876-77, in bringing the refractory red skin bands to a peaceful footing, those who were not then allied with Sitting Bull, but were on an unfriendly footing for various causes, mutual hostility toward the pale faces being the principal one. They had all been engaged in the armed opposition to the construction of the Northern Pacific Railway, and many of them participated in the battle of the Little Big Horn. Miles conducted his negotiations throughout the long winter with commendable discretion and before spring dawned had the trails to his camp well beaten down by the refractory element coming to him to surrender and live in peace ever after. It was remarkable that three-fourths of the surrendered people claimed the Cheyenne Agency as their home. Miles was intrepid, and possessed that calmness in perilous difficulties, that never for a moment deserted him or disturbed his sound judgment.

In October, 1877, Gen. Nelson A. Miles in command of the Yellowstone District, with headquarters at Fort Keogh, stated that the hostile Indians, so numerous last year, had disappeared and many ranchmen were settling along the Powder and Yellowstone Valley. Sitting Bull was in Canada. Fort Keogh was a new post, substantially built, in 1876-77, for the accommodation of frontier companies of troops of all arms. It was located at the junction of the Tongue River with the Yellowstone.

Sitting Bull, after the Custer massacre, had great difficulty in avoiding the pursuing parties. He had no formidable force of Indians with him, but many women and children, and he was so thoroughly acquainted with the country that he was able to avoid the troops whose most vigilant work was in watching the crossing points of the Yellowstone and Missouri rivers. The wily chieftain managed to get across the Yellowstone during the fall and spent nearly all the winter of 1876-77, south of the Missouri.

General Miles discovered his rendezvous early in the spring of 1877, but the Indians managed to elude him and crossed the Missouri early in April, at a point where the Milk River enters that stream, and entered Canadian territory at a point near where the Poplar River intersects the international boundary line, about longitude one hundred and six degrees west from Greenwich. It was claimed that Sitting Bull had assurances from the mounted police of the Dominion that no matter how serious his offenses were against the United States Government, that whenever he wanted an asylum north of the international boundary, he would find it.

Sitting Bull, however, was aware that refugees or fugitives from justice from either side of the line could avoid capture by occupying a cross path in the mountains in proximity to the boundary, hence Sitting Bull made his way to Yellow Mountain, in her majesty's possessions, where he located his government troops half-starved and poorly provided with camp equipage. The international boundary line it must be understood, was nowhere visible, but it had for many years been determined approximately. Taking Pembina on Red River as an eastern point, the most direct route to Sitting Bull's camp on the Buffalo country, a Yellow Mountain, where Sitting Bull had taken refuge. This trail does not exactly coincide with the lawful boundary, but practically it is said to be nearly identical with it. For many years it had been the topic of the trail hawk hunters of the border, and the central road to the plains, the great Gopher region of the two Yellowstone Rees and Mandans as well as some of the tribes of the Sioux. It was therefore

a well marked trail. Leaving Pembina it winds across the Pembina Mountains, intersects numerous small rivers and creeks, passes the northern end of Turtle Mountain, in longitude 100 degrees and 50 minutes thence in its westward course crosses the Mouse River, thence across the Coteau du Missouri whence it crosses the Mouse a second time, and finally terminates at Wood Mountain, Canadian territory, in about latitude 49 degrees, 30 minutes, longitude 106 degrees, 20, west from Greenwich. That was about the latitude and longitude of Sitting Bull's refuge. The occasional visits of Sitting Bull or some of his party, to the vicinity of Pembina and to Winnipeg during his enforced residence at Wood Mountain were occasionally mentioned.

INDIAN WAR IN THE BLACK HILLS

Late in the fall of 1876 small bands of Indians began depredations upon the emigrants to the Black Hills, killing a number of small parties and terrorizing the outlying camps and new settlements bordering the hills country. These depredations were of a serious character and called for the establishment of a permanent military force; this was done and Camp Crook was fixed at Crook City, at the point on the north where the Whitewood Creek debouches from the hills and enters the plains country. Indians from Red Cloud's tribe of Oglalas or Cheyennes were charged with these hostilities though from many of the articles captured from the Indian camps it was evident that a number of them had been in the fight against Custer. The military force was a meagre one and was unable to prevent a continuance of the depredations. The Indians were operating in small bands—having no prominent leader, and would dart upon a settler or upon a small party of immigrants—accomplish their purpose, and escape with their booty before the military would be apprised of their proximity. So menacing became this situation that the inhabitants of the northern hills became alarmed for their safety, and Sheriff Bullock being unable to render the necessary protection, appealed to the governor of the territory for authority and for arms with which to arm the militiamen of the hills.

Governor Pennington applied to General Sheridan for protection, alleging that there was not a sufficient military force to guard the exposed border. Sheridan replied to the governor's application, stating that he had no troops he could send, and added that he believed the danger would lessen under the pressure of Crook's forces who would drive the hostiles out of the territory. At this time, however, Crook was behind the hostile force pushing it towards the settlements by way of the Little Missouri and other streams south. Crook continued his march and reached the vicinity of Deadwood in October.

These Indian troubles from 1872 to 1877 were all occasioned by the hostile Sioux, all of whom had their habitation in the Territory of Dakota. Montana and Wyoming furnished the larger portion of the battle fields, which were chosen by the Indians as affording them advantages that were of great value because of their customary tactics in war, which included as a matter of the greatest importance a field wherein they could fight from a number of concealed positions. All their engagements with the United States troops, except the Custer battle, where they had the advantage of an overwhelming force and took Custer by surprise, the red man disclosed this prudent regard for his own safety in the selection of his ground, while at the same time it allowed him the maximum of opportunity to pick off the enemy.

GENERAL SHERMAN IN NORTHERN DAKOTA

Gen. William Tecumseh Sherman, who was then general of the army, visited Bismarck in July, 1877, accompanied by General Terry and a number of his staff officers. From that point or from Fort Lincoln he embarked on the steamer Rosebud, Capt. Grant Marsh, and made a reconnoitering trip up the Yellowstone



DURHAM BULL SHOWN IN DAKOTA BUILDING AT 1884
LOUISIANA PURCHASE EXPOSITION

River, and inspected the new military posts at the mouth of Powder River (Fort Keogh), and also at the mouth of the Big Horn (Fort Custer), where he was met by General Sheridan and General Miles, and escorted to Fort Union, thence through Idaho, and on to the Pacific coast. General Sherman's object in making this journey was to personally acquaint himself with the situation on the frontier, and particularly with regard to the demand for more troops. There were no serious Indian troubles in the Northwest at the time, except the disturbances west and north of the Black Hills settlements, which had become formidable. Sitting Bull, with 278 lodges of his hostile Sioux, was in the Cypress Mountains, B. A., where his warriors were hunting buffalo with guns and arrows, having no ammunition for their guns. It was estimated that Sitting Bull's entire party at the time numbered about two thousand.

MILITARY COURT OF INQUIRY INVESTIGATES MAJOR RENO'S CONDUCT

Major Reno, it will be remembered, was subjected to a great deal of adverse criticism, following the battle of Little Big Horn, his offense, as alleged by his unfriendly critics, being his failure to go to the relief of Custer, on his return from his futile search for the Indians, in obedience to the orders given him by General Custer when he directed the movements for the day and divided his regiment into three detachments, sending Reno off to the left. Major Benteen commanded the detachment sent to the right, and Custer himself led the center column. A court martial, convened at Reno's request, was finally ordered to investigate Reno's conduct, and he was acquitted, after a very full and impartial investigation. His own statement before the court, which is given herewith, was supported by all the evidence.

The testimony indicated that the slaughter of Custer and his men had already been accomplished before Reno reached within a mile of the slaughter pen, and when he had reached that point he was confronted by an overwhelming force of Indians, with whom he fought for hours; was finally forced to take refuge in a body of friendly timber, where Major Benteen found him, and where the regimental wagon train also found protection.

It developed that the Indians must have had knowledge of Custer's division of his regiment, and stealthily followed the movement of the troops. Custer fell into their hands first. The conflict was brief, furious and decisive, and was followed by the onslaught on Reno, who lost seventeen men killed and many others wounded. General Terry, with Gibbons' column, reached Reno at a critical time. He would probably have suffered as Custer had but for this timely relief. The cavalry were fighting from rifle pits and his force was being depleted by death and wounds. The Indians, made aware of Terry's approach, hastily withdrew and scattered. When Gibbons' force reached him he had been practically isolated for about twenty-four hours.

The military court of inquiry into Major Reno's conduct at the battle of the Little Big Horn convened at Chicago, January 13, 1879. The inquiry was here granted at the earnest request of Major Reno, and was based upon the facts of service because of the contradictory and unauthenticated reports in general circulation and discussion concerning Reno's behavior on that sad and memorable occasion.

The Indian camp or village where the battle occurred was described by Lieutenant Wallace, who was with Reno on about thirty miles in length and a width ranging from one hundred yards to half a mile.

Scout Girard, who was with Custer when the general gave his command, testified that he said to Reno: "Go forward, and when you get the Indians charge them and I will support you." Girard testified that he saw Custer from the top of a knoll while riding with Custer's column. Another witness of Custer's orders was given by the same witness, thus: "Major Reno was all

advance and try to overtake the Indians, and when you do so charge them. Take the scouts with you."

Maj. Frederick W. Benteen was third in command. His orders from Custer were to take his column of three companies and go away to a line of bluffs to the left. The chief trumpeter afterwards brought him instructions that if he found nothing at the first line of bluff to ride to the second. He afterward received an order through the sergeant major that he should go to the first valley, and if he found nothing to go to the second valley, and take everything that he found in his way. He went off to the left several miles as directed, but as he found no Indians and no valleys he concluded it was a mistake about there being Indians in that direction. He accordingly started back on his trail, and finally struck Custer's trail, and then met Trumpeter John Martin with an order from Adjutant Cook to hurry up, as the Indians were in sight and warm work was expected. Shortly after this Benteen, riding 200 yards in advance of his command, saw Reno engaged with the Indians. The Indians were charging and recharging through the ranks of the men. When he got nearer he concluded the troops were being whipped, and pretty soon the retreat commenced. He also concluded that the Indians discovered him about the same time, and this checked their pursuit. The foregoing is taken from Benteen's testimony.

When Reno overtook or met the Indians he sent word to Custer, and engaged the Indians, presumed to number from twenty-five hundred to three thousand warriors. His horses had been posted in the timber, and his men were fighting on foot. This was the situation when Benteen arrived with his command. Scout Girard, who was now with Reno, testified that in a brief time the order came: "Men, to your horses; the Indians are in our rear." Here the retreat to the hill began, and Reno's heaviest loss occurred. Girard was of the opinion that the Custer tragedy occurred prior to this a very short time on the other side of the Indian village, as he said he heard two or three volleys of musketry of about one hundred shots each from that direction. Custer and Reno must have been about two and a half or three miles apart about this time—Custer at or near the lower end of the Indian village, and Reno near the opposite end, the intervening space being occupied by the village with from five thousand to six thousand Indians. Benteen said he thought there might have been nine thousand. The distance was so great and the enemy so much superior in numbers that all of the troops of either command must have been wiped out before they could have got together had any effort been made by either party to relieve the other, and this was the fate that met Custer. The same fate would probably have overtaken Reno if he had not retreated across the river to the hill and thrown up rifle pits.

Lieutenant Varnum estimated the Indian force at from four thousand to five thousand, and said that half that force was too great for half of Custer's command.

All the witnesses testified to Reno's coolness and courage except Lieutenant Edgerly, who thought Reno was excited. When he first saw the Indians, Custer's firing was distinctly heard from the Reno headquarters and lasted three-quarters of an hour.

Reno had notified Custer, by messenger, when he first discovered the Indians, and probably expected Custer would join him. It would seem that Custer had concluded to give his support by attacking the Indians where he did with a view of drawing them away from Reno.

Major Reno testified. His testimony is substantially given in the findings of the court, which are here added:

Washington, D. C., March 6, 1870.

The court of inquiry assembled by special order No. 255, dated Headquarters of the Army, Washington, November 25, 1878, report in obedience to that order the following facts involving the conduct of Maj. Marcus A. Reno, Seventh Cavalry, in regard to the battle of the Little Big Horn, fought June 25 and 26, 1876.

On the morning of the 25th of June, 1876, the Seventh Cavalry, Lieut. Col. G. A. Custer, commanding, operating against the hostile Indians in Montana Territory near the Little

It is the conclusion of the court, in view of all the facts in evidence, that no further proceedings are necessary in the case, and it expresses this opinion in accordance with the concluding clause of the order convening the court.

JOHN H. DING,
Colonel Ninth Infantry, President.
J. M. LEE,
First Lieutenant and Adjutant Ninth Infantry, Recorder.

General Sherman made the following endorsement:

The findings of the court of inquiry in the case of Major Reno are approved, and the proceedings are respectfully forwarded to the honorable secretary of war.

By the secretary of war:

The proceedings and findings are approved.
By order of the President.

GEORGE W. McCLARY,
Secretary of War.

SITTING BULL

In the late winter of 1878-79 Sitting Bull was in the Province of Alberta, in British America, on the Saskatchewan River. He had with him about three thousand warriors, and about two thousand women and children. At this time it was apprehended that he was contemplating a raid on Forts Buford, Stephenson and Totten, and he was being closely watched by the army in that section, then under the immediate command of General Miles.

Of Sitting Bull Miles says:

He is inferior to other chiefs, Spotted Tail, Red Cloud or Crazy Horse. He is the deadly enemy of the whites, and will never, voluntarily, be confined to any of the reservations. He claims that the Great Spirit made him an Indian, but not an agency Indian.

Notwithstanding the opinion of Sitting Bull expressed by General Miles, which he later changed, he was the best representative of the Indian race that his times produced, and his influence extended to every tribe in the great Sioux Nation, which could not be justly claimed for any other Sioux chief. Sitting Bull was not a chief; he was a general and had been elected to lead the hostile armies at a grand council held near the Sisseton country in 1867, and every Indian, whether in Spotted Tail's Brules or Red Cloud's Oglalas, or any other, who entertained the hostile spirit, looked to Sitting Bull as their leader. This is abundantly proven by the large forces he was able to assemble from every tribe when occasion called for it. The Government seemed unable, or deemed it unwise and unprofitable, to detect the individual Indians who would stroll away from the various agencies on the pretext that they were going for a hunt, and would then make their way to Sitting Bull's camp, assist in his skirmishes and depredations, and then stealthily return to their own tribal home and draw their rations.

Sitting Bull's influence among the Sioux Indians was stronger than that of any of the chiefs General Miles names. It may have sprung from his unrelenting opposition and hatred of the whites more than from any superior native ability. He claimed that the large number of Indians gathered together in the early summer of 1876 in the Big Horn country were there on their annual picnic for the purpose of social enjoyment and to permit the young men and maidens to become acquainted with view to matrimonial alliances. It may have been that he had prudently prepared for war, knowing the prejudice that existed against himself, and always against the assembling of thousands of armed Indians in the fastnesses of the Big Horn Mountains. But Sitting Bull could have plead the Laramie treaty of 1868 in extenuation and exculpation that they were trespassers. Had it not been that he had been fighting General Crook and General Gibbons for the past two or three months prior to the Little Big Horn tragedy his claims that his intentions were peaceable would have a more stable foundation.

Sitting Bull was inconsistent and vacillating, and his deeds did not always correspond with his words. He would decry civilization, declare he hated it, and at the same time no parent among the Sioux or average whites was more solicitous for the education of his children, who were sent to the best of the Indian schools, and their progress faithfully supervised, while he himself lost no opportunity to learn from the race he openly and defiantly denounced. Among a civilized people his course in this respect would have been an evidence of hypocrisy.

SITTING BULL'S STORY

Sitting Bull was incorrigible—an unrelenting enemy of the white race, a fearless and powerful leader, who felt that the Indians had been pursued for centuries by the white man's civilization until his last hunting ground had been taken, and there was nothing left for him but the beggarly position of a dependent upon the white man's bounty. He professed to abhor civilization and all manner of treaties, proclaiming that the whites never kept a treaty. He demanded as the only condition of peace that the whites keep away from his country. That he would not go to the white man's country, and the white man must keep away from the Indian country. Sitting Bull had a numerous following at the time the Black Hills negotiations were pending; but a large number of these were young men from the various tribes who were ostensibly friendly to the Government and held by treaty obligations. This class acted as aiders and abettors only in the time of need, and clandestinely maintained their place as peaceful Indians, returning to their agencies after each hostile expedition in order to keep up a show of friendliness. Sitting Bull was in command at the battle of the Little Big Horn, and unquestionably planned the massacre of Custer and his men. No white man survived to relate the incidents of that tragedy; but Sitting Bull gave his story to Father Genin, a Catholic priest, who visited him in his exile on Canadian soil. That account was regarded as substantially correct and is here reproduced.

Sitting Bull's story of the Custer battle as related by him to the Rev. F. J. M. Genin, Catholic missionary to the Sioux, at Sitting Bull's camp in Indian Territory, and published in the "North Dakota Historical Collections," Vol. I, pp. 271-277.

"We knew the soldiers were coming upon us weeks before the battle," said Sitting Bull, "yet we did not want to fight if we could be otherwise. In our camp on the Little Big Horn there were the tribes of the Teton as follows: The Ojibwa, who had come from the north; the Santees, with many warriors, whose lodges were pitched next to the Ojibwa; then came the lodges of the Oglala, not so many. The Blackfoot, Sisseton, and Minnekaonke were in the order of their tipis. The Minnekaonke lodges were next. The Santees and Ojibwa were pitched next. The Blackfeet lodges came next. The Ojibwa were next to the Blackfeet. There were some Arickaree Indians in the camp with some of the Santees, and some of the Two Kettle tribe also, these being visitors and without claims at the camp."

"We did not go out there to fight. We had all our women and children, and went to meet all the tribes of this region, to make peace and treaties and to send our men out to make our young men and maidens acquainted with each other, as this was part of our fathers have done for many generations. So, when we found the army coming, we following us, we marched back into the hills a few days. We were gathered in the camp in direct violation of the treaty of 1868, which says that we should stay at the Great Sioux Reservation to keep peace. We resolved to go on, and we did so with all our hearts, and praying to God to save us from the hands of our enemies, and from our enemies' provocation to complete our extermination."

"For three days our sons with their horses, saddles, and guns, and our women and children sent all our women and children into the hills, and we stayed in the hills. We stayed in the hills, and the soldiers would charge through the village, and they did all the killing. We stayed in the hills when Chief Black Kettle was killed, and the women and children were killed, and the hoods of their war horses. The soldiers were very cruel, and they were too well to let them be butchered by the soldiers. The Great Sioux and Arickaree for them until death."

"So I sent my young men to the hills, and they stayed in the hills, and they were conveniently at the place of death of the Great Sioux, and they were killed, and they were stakes in the front street of the village, and they were killed, and they were killed."

when the fires were burning fiercely, and stirring the air, the pieces of cloth and old rags waved to and fro in the breeze and gave the appearance of a densely populated village. Then I marched behind the front row of hills with all my braves, and awaited the opening of the soldiers' fire upon our camp. Everything worked as I had planned. True to their intentions, the United States soldiers killed my flagmen whom I had sent to meet them and demand peace, and proceeding furiously forward, opened fire upon my empty camp of old tepees and rag manikins. I then fell upon them from the rear, with all my force, before they had time to recover from the shock of their furious charge and their surprise at finding the village deserted. My men destroyed the last of them in a very short time. Now they accuse me of slaying them. Yet what did I do? Nothing. God saved our lives because we had called upon him. They should then accuse God, for truly it was he who saved us by permitting them to die.

"It was very hard," he added, "to place any faith in the word of Americans. Ever since I knew them my experience with them has proved that they continually cheat the Indians, over-reaching upon their lands with big promises, never fulfilled, and at last finding some pretext to kill them."

In reply to inquiries as to the first attack on General Reno, Sitting Bull said: "These soldiers were not brave. When they saw our warriors they ran away as fast as they could, and hid in the hollows of the hills. I was not in that part of the battlefield. I sat on my horse on a hill and sent my young men to direct the movements of the head warriors. All my warriors were brave and knew no fear. The soldiers who were all killed were brave men, too, but they had no chance to fight or run away; they were surrounded too closely by our many warriors. As they stood there waiting to be killed, they were seen to look far away to the hills in all directions, and we knew they were looking for the hidden soldiers in the hollows of the hills to come and help them. But our warriors first killed the soldiers who were holding the horses and rode them while charging close up and firing at the survivors. Let no man call this a massacre. It was a piece of mere warfare. We did not go out of our own country to kill them. They came to kill us and got killed themselves. God so ordered it."

In answer to a statement by Father Genin that it was reported that Sitting Bull himself killed General Custer, he said excitedly: "It is a lie. I did not kill the Yellow Hair. He was a fool and rode to his death." He said further that he did not personally see General Custer during the battle; that his people searched for the body of the long-haired white chief after the battle, but that no soldier with long hair was found.

On this point Father Genin himself says: "Our friend Colonel Keogh's body and that of another Catholic soldier were the only ones treated with respect by the Indians, who stripped the dead of their clothing on the battlefield. The Teton Indians are nearly all pagans yet, not that they do not desire to become Catholics; they often asked me to go and live permanently with them, and instruct them and their children, but I had already too much on hand, and could only pray for them, besides seeing them at long intervals.

"Pagans though they may be, and used to savage practices, still they have learned to respect the cross wherever they find it, and finding on Colonel Keogh's neck a chain and cross, they did not cut up his body, but covered up his face respectfully and left him his cross and went by. A scapular found on the body of another man was the cause of similar treatment. I believe these to be the only two persons on that battlefield whose bodies were not mutilated more or less."

Sitting Bull further said that when all of General Custer's men had been killed his warriors rushed to surround the soldiers on the hill with Reno, and that they would soon have killed them, too, but a false alarm was raised that some soldiers had escaped and were attacking the women and children, and the whole Indian army surged in that direction. Then when the mistake was found out, and his command surged again to the hill where Reno's men were concealed, he gave the order that there should be no more fighting. "We have killed enough," he said. "Let the rest go back and take care of the women and children, and tell the people how the Indians can fight." Whereat his warriors were sorrowful and wanted to kill all Reno's men, and then go to give battle to the "walking soldiers" (Terry's infantry), when they should leave the steamboat, but they obeyed his orders, although greatly disappointed.

At the period of the Custer massacre Sitting Bull was comparatively unknown to the white people. The fact that there was an Indian of the same name—who was well known as being the head soldier of the friendly Oglalas at the Red Cloud Agency—tended to the origin of many remarkable stories about him.

Sitting Bull, who commanded the Indians at the Little Big Horn battle, was a nephew of Black Moon, the supreme chief of the Teton Sioux, and was elected to the position of head chief of the Indian army at the convention of the Sioux Nation held on the plains of North Dakota at their summer camps in June, 1867, near Lake Traverse and Big Stone. An important law was at this time adopted and promulgated by the assembly, as follows: "That any Indian who would show the gold fields in the Black Hills, or reveal their existence to white men, must die, and the whites thus made aware of the presence of gold in the Black Hills should also die, for fear the country should be taken from them."

The Tetons, long aware of the existence of gold in their country and holding it as their last place of abode, enacted this law in solemn council; Sitting Bull approved it. Custer,

Agency. Netherly had with him Rev. J. G. Burgess, the Congregational missionary with the Crows, and briefly states:

A great monument, enclosed with strong iron pickets, stands near where the last stand was made. Every soldier dying in that fight is registered there. Their bodies, except perhaps a few officers, lie inside the picket, near the great monument. Curley, the Indian scout, was the only one in Custer's immediate personal command who escaped. He is said to live at Billings now. The victims of the Fort Phil Kearney or Fetterman massacre, though killed ten years before the Custer fight, and in Wyoming, are also buried in compact order near this monument on the Custer field in Montana. Then farther away lie rows of veterans of the great Civil war, who wandered West to die.

The Government has placed a small white headstone where every man fell. Away to the south the horse holders were killed. Along that "hogback," or ridge leading north, the row of white monuments shows where Custer stubbornly retreated; the cluster of monuments and the cross show where the last stand was made and where Custer died. Those scattering twenty or thirty headstones down the ravine toward the Little Big Horn River show where some poor fellows tried to get away. But as at Fort Phil Kearney, "There were no survivors."

But this was no massacre. It was a battle—a stand-up fight with the Sioux under their great leaders, Sitting Bull, Crazy Horse and Rain In The Face. Custer forced the fight, not the Indians, and both sides fought as long as there was anything left to fight.

CHAPTER LXXIV

BLACK HILLS LAWFULLY OPENED—INDIANS HOSTILE

1877

(Black Hills—Concluded)

REPORT OF THE BLACK HILLS TREATY COMMISSION. TREATY CONSIDERED OF GREATER VALUE THAN ANY FORMER AGREEMENT—EXPLORED THE RECORD OF THE CHEYENNES AND ARAPAHOES—BLACK HILLS COUNTIES AND SURVEYS—INDIAN HOSTILITIES—SHERIFF BULLOCK CALLS FOR REFORMS—GOVERNMENT AUTHORIZES CALLING OUT THE MILITIA—SEVERAL HOME COMPANIES BREAK THE TREATY AGREEMENT AS TO TENURE OF APPOINTED COUNTY OFFICIALS—GOLD DISCOVERED—AN ELECTION MUST BE HELD—DEMOCRATS CARRY THE ELECTIVE—WAGON ROAD ROUTES FROM THE MISSOURI RIVER TO THE GOLD FIELDS—FIRST SEASON OF DROUGHT AT DEADWOOD—EVIDENCES OF AN EARLIER WHITE OCCUPATION—THE OPENING OF THE HILLS OF PRIME IMPORTANCE IN PROMOTING THE PEACE POLICY.

REPORT OF THE BLACK HILLS TREATY COMMISSION

In reviewing their work in making the agreement with the Sioux at this time the commissioners submitted a comprehensive report in which they did not hesitate to criticise the policy of the United States Government in its administration of Indian affairs, and without qualification pronounce that all our Indian wars can be traceable to the neglect of the Government in observing the letter of its solemn treaties and the perfidy of those employed to conduct the details of its Indian intercourse in accordance with treaty stipulations. After a general review of their proceedings, in which the speeches of the Indian chiefs form the principal feature, the commissioners say:

Of the results of this year's (1876) contest between war and peace we have no right to speak. It is a heartrending record of the slaughter of men at the point of the spear. It has not only carried desolation and woe to the hearts of our own people, but has added to the cup of anguish which we have pressed to the lips of the Indians. We trust that when others shall have examined it in the light of history, they will repeat the words of the officers who penned the report of 1868: "The results of this year's campaign against all reasonable men that the war was useless and expensive." It seems well, however, on the subject, knowing the facts, the war was something more than useless and expensive; it was dishonorable to the nation and disastrous to those who engaged in it. We trust we know how to frame in words the rebuke of those who have not yet learned all our lessons. We recall the long record of the broken faith of our Government. As a nation, we should be the rejoicings of our Centennial year are mingled with the wail of sorrow of widows and orphans made by a needless Indian war, and that our Government has squandered treasure in this war than all the religious leaders of our country have spent in trying to save our existence as a nation.

We are impelled, in this year of our nation's centennial, to review our relations to the commission of Indian affairs. Until 1876 the war was a constant and the entire administration of the Government without the machinery of the Indian Service. The Indian Service, however, was not established until 1874, and the Indian affairs were then placed under the control of the War Department. The Indian Service, however, was not established until 1874, and the Indian affairs were then placed under the control of the War Department. The Indian Service, however, was not established until 1874, and the Indian affairs were then placed under the control of the War Department. The Indian Service, however, was not established until 1874, and the Indian affairs were then placed under the control of the War Department.

that "a most solemn question addresses itself to the American people, and whose answer is full of grave responsibility. Shall we go on quietly in a course which threatens their extinction, while their past suffering and future prospects so pathetically appeal to our compassion? The responsibility to which I refer is what a nation owes to itself, to its future character in all time to come. For next to the means of self-defense and the blessings of free government stands, in point of importance, the character of a nation."

In 1832 an act was passed providing for the appointment of a commissioner of Indian affairs; but, by order of the President, he was made subject to the secretary of war, who prescribed rules for his government. The provisions of this act were so defective that in 1834 a committee of Congress, who made an investigation into its affairs, decided that immediate revision was imperatively demanded. This report says: "The system is expensive, inefficient and irresponsible." In 1842 another committee of Congress examined the management of Indian affairs in the war department, and said: "The evidence is submitted as to the general management and condition of Indian affairs. It exhibits an almost total want of method and punctuality, equally unjust to the Government and the tribes with whom we have voluntarily assumed obligations which we are not at liberty to disregard." It will be seen that the accounts of millions of expenditures have been so loosely kept as scarcely to furnish a trace or explanation of large sums, and that others have been misapplied so as to impose serious losses on the Indians and heavy responsibility on the Government; that in some books (the only record of these accounts) no entries have been made for a period of several years, and that where entries have been made, the very clerks who kept them could not state an account from them.

If we trace the management of Indian affairs in the interior department since 1849 we find much to call for prompt action to remedy existing evils.

We submit that the remedy for these evils is not to be found by again placing the care of the Indians in the war department. It had this duty for nearly three-quarters of a century, and during the whole period there is no page in the history of our Indian management upon which our recollection can linger with emotions of pleasure. We do not question the integrity of the officers of the army. We concede to them the same ability and integrity which are to be found in all professions. No one will contend that, in order to insure integrity in the management of the postal service, the land department, or the customs, it is necessary to remit these departments to the army; and yet, if the claim be allowed in the management of Indian affairs, we can see no reason why every department should not be controlled by the department of war.

The generals who made the treaty of 1868 say: "If we intend to have war with them, the bureau should go to the secretary of war; if we intend to have peace, it should be in a civil department. In our judgment such wars are wholly unnecessary, and hoping that the Government and the country will agree with us, we cannot advise the change."

The habits and tastes of the officers of the army are foreign to those patient labors which are necessary to lead a savage race to civilization. The officers of rank and experience who may, in some degree, be fitted for this work, would not accept the trust, and we fear that this responsible position would be either entrusted to junior officers or to men who had been foisted into the army as a reward for political services.

We cannot see that any reform will be secured by the removal of this bureau from one building into another. The same evils complained of in the agents of the Indian bureau will follow in the agents of the war department. The whole country was excited over the charges of fraud which were made against the civil agent at Red Cloud Agency for the over-estimate in weight in beef cattle and other issues to the Indians. During our visit at this agency we witnessed an issue of beef made under direction of an officer of the army, who was the temporary agent. The number of cattle issued was 153 and the average weight estimated was 954 pounds. This average attracted our attention, and after investigation and careful calculation by an experienced officer of the army it was believed that the actual weight did not exceed seven hundred and eighty-six pounds, making in this one issue a loss to the Indians and a gain to the contractor of 27,234 pounds of beef. We did not have the slightest doubt of the integrity of the officer acting as Indian agent. There were no scales, and we doubt whether the experience of this agent was such as to make him a competent judge of the weight of live cattle.

We are impelled to say that it is our unanimous recommendation that all these Indians ought to be placed as speedily as possible in the care of civil agents.

* * * * *

After long and careful examination we have no hesitation in recommending that it is wise to continue the humane policy inaugurated by President Grant. We believe that the facts will prove that under this policy more has been done in the work of civilization than in any period of our history. It has accomplished this one thing, that those who were placed in trust of the national honor did not receive their appointment as a reward for political service.

The great obstacle to its complete success is that no change has been made in the laws for the care of the Indians. The Indian is left without the protection of law in person, property or life. He has no personal rights. He has no redress for wrongs inflicted by lawless violence. He may see his crops destroyed, his wife or child killed; his only redress is personal revenge. There is not a member of either house of Congress who does not



FRANK LINCOLN VAN DYKE

Youngest son of Dr. Van Dyke

know that, even with all the influences of Christian civilization and its restraints, there is not a community of whites which could practice violence under the same conditions and yet maintain its peace. The influence of a savage race will enable it to achieve what the white race could never accomplish on its own. In the Indian's will there is no such thing as a suggestion of mercy, which is advisory in its character. When I meet a man who is a United States agent, this Government is destroyed and we give him no place.

We would especially call attention to the inadequate laws to punish white men for the sale of intoxicating liquors to the Indians.

There is another fearful evil in the unlawful marriage of the Indian and the white man. These unions are made after the customs of the Indians, and are not regarded as valid. The law should declare that any Indian woman who marries a white man is his lawful wife, and that the children of such unions are legitimate.

The fact that the English Government in Canada has expended no money on the Indians since the American Revolution, has left no Indians in debt to the British crown, is due to the fact that it has fulfilled its pledged duty to protect the personal rights of property and the protection of law, and has fostered Christian mission, and has placed over its Indians agents fitted for the task of guiding, educating, civilization, and who generally hold their office during good behavior.

The greatest difficulty in the administration of Indian affairs is the want of an Indian agent. He ought to be a man of ripe experience and mature judgment, who can superintend the building of houses, the opening of farms, the care of stock, and all the mechanical arts which are necessary for the work of civilization. The expenses of living are greatly increased. It is impossible for an agent to live without funds, as his money salary. The department has lost some of its most valuable agents, who would not steal, and could not live on \$1,500 a year. Our Indian agents should be appointed by an independent department. It ought to have at its head one of the best men of the nation, whose recommendations would be heeded, and who, as a member of the cabinet, could confer with the heads of the war and interior departments, and be able to execute just plans as would equally protect the rights of the Indians and those of the settlers. We are painfully impressed with the fact that most of our Indian agents are men who are cruel and unjust to the savage but have largely grown out of our system of government. The interior is already burdened with five distinct bureaus, viz.: Pension, patent, land, Indian, and Indian. He cannot give to Indian affairs that patient attention which is necessary to success. The war department, as its name indicates, is unsuited for the education of the Indians. Officers of the army are not fitted by inclination or training to teach them to read and write, or Indian men to sow and reap. If by placing the Indians in an independent position we can save the fearful cost of the Indian war, it will be the economy.

In conclusion, your commission respectfully urge that every effort shall be made to secure the ratification and faithful fulfillment of the agreement which we have made in the direction of the Government with this hapless people. We entered upon this mission with full knowledge that those who had heretofore made treaties with them had broken their promises broken. We accepted the trust of a people who have been deceived, perishing, and to God. The Indian trusted us. He has trusted them as they have trusted him. We heard their earnest words of confidence and trust. "Sagoyewewah," said the chief of the band, as he handed a pipe to our chairman, "I give the pipe of peace to you. When we give and another receive a pipe, we trust each other. When we give and another swears on the Bible in court. If they do not keep the truth, we will say, 'Sagoyewewah!'"

We are satisfied that this agreement will save these Indians and redress some of the wrongs of the past. It is a part of our history. It is an eternal law, that that which is sown shall also be reaped. We shall reap in the future, as we have reaped in the past, a harvest of justice and peace. We are not dealing simply with a poor people, but with a noble race. We cannot afford to delay longer fulfilling our bounden duty to these brave and noble people of this country, the possession of which has been the dream of the people of the United States. We make it our heartiest wish that the Government of the United States should not forget that this is the day when we have made a new and noble promise to these people, and we are bound to give it to the full.

We are aware that many of our people are being persecuted and that the only way to their freedom is in their extermination. We shall not let them live, but we shall exterminate them. There are too many of them, and they are too hardy grown, for us to let them live. We shall exterminate them. He is one of the few who are not afraid of the Spirit. He believes in the one God, the one God who is the Father, the Son, and the Holy Spirit. He believes in the one God, the one God who is the Father, the Son, and the Holy Spirit. He loves his country, the United States of America. We must admit that he has a right to live.

capable of civilization. Amid all the obstacles, the wrongs, and evils of our Indian policy, there are no missions that show richer rewards. Thousands of this poor race, who were once as poor and degraded as the wild Sioux, are today civilized men, living by the cultivation of the soil, and sharing with us in those blessings which give to men home, country and freedom. There is no reason why these men may not also be led out of darkness into light.

If the men of past generations had reasoned as this generation reasons none of us would rejoice in the blessings of Christian civilization. A great crisis has arisen in Indian affairs. The wrongs of the Indians are admitted by all. Thousands of the best men in the land feel keenly the nation's shame. They look to Congress for redress. Unless immediate and appropriate legislation is made for the protection and government of the Indians, they must perish. Our country must forever bear the disgrace and suffer the retribution of its wrongdoing. Our children's children will tell the sad story in hushed tones, and wonder how their fathers dared so to trample on justice and trifle with God.

We herewith submit the agreement made with the Sioux, and the letter of Gen. H. H. Sibley.

Very respectfully,

GEO. W. MANNYPENNY, Chairman.

H. B. WHIPPLE.

H. C. BULIS.

NEWTON EDMUNDS.

J. W. DANIELS.

A. G. BOONE.

A. S. GAYLORD.

SAMUEL D. HINMAN, Official Interpreter.

Attest: Charles M. Hendley, Secretary.

To the Hon. J. Q. Smith, Commissioner of Indian Affairs.

With the completion of this agreement the peace policy was quite well established, and among the people who had kept advised of the progress and disposition of the Indians it was felt that the Indian problem had been solved, and time only was needed to permit it to work its successful way to fruition. There was no longer apprehension of Indian wars, notwithstanding the terrible catastrophe that had overwhelmed the gallant Custer and his heroic command. Peace had brooded in the councils of the Sioux in Dakota, and elsewhere the Indians were adapting themselves to the new order of things in a most satisfactory manner. Experience brought to the management of the benighted race under the new system many plans that tended to accelerate their civilization, and among them in great part the ardor for the old life with its wars and hardships was fast fading out and giving place to a spirit of rivalry or emulation as to who should make the most rapid advancement in the scale of civilization and accumulate the most material wealth. It will not be claimed that the race has at any time exhibited a fondness for intellectual pursuits or a desire for literary education; but has apparently, and perhaps naturally, paused in its pursuit of literary knowledge to make as much material gain as possible; in the acquisition of which he is found, however, to be lacking in the aggressive, determined and inventive qualities that distinguish his white competitors. The racial characteristic, though not discouragingly indolent, is inclined to seek ease and comfort with a moiety of exertion.

The story told by the Sioux commission representing the Government and the white race, together with General Sibley's letter, is a fearful indictment of the civilized millions of civilization for flagrant dishonesty and perfidy continued through a century of time, and as a result of this the Government is shown as the party responsible for our Indian wars during all that period and for the thousands of lives sacrificed and the train of lesser evils attendant upon the wars.

This is not a recital of wrongs set forth by the Indians, but by eminent, thoughtful and trustworthy men of our own race. In some respects it would seem that the review of the commission is inclined to exaggerate the offenses of the whites. The Government has never failed to make liberal provision for the welfare of the Indians; but the rapidly increasing population of the country made frequent necessity for new treaties that removed the Indians from the frontier of white settlement as it constantly advanced. These treaties have uniformly kept the enlightenment of the Indians, as well as his material welfare, for which ample provision was made, always in view; but those to whom the Govern-



GENERAL CUSTER

ment entrusted the execution of the provisions of the treaties, and who neglected their sworn duties or who endeavored to enrich themselves from the general provision made by the Government for these confiding and untutored people, should be held responsible for the flagrant perjury with which they have disgraced the administration of our Indian affairs through this long period of time. The official history of the Government's intercourse with its Indian wards exhibits constant solicitude for their welfare, and in the frauds and spoliation that has been practiced by dishonest public servants the Government has been an injured and defrauded and deceived party as well as the Indian.

This treaty was the most important of all the scores of treaties between these parties from the foundation of the Government. This was not because of the valuable character of the country ceded, though that was apparently the prime factor that made the treaty a necessity on the part of the Government at that time. Communities of citizens of the United States, conceded by conservative estimates to number in the aggregate as high as seven thousand, had become established in the hills, and while it would not have been impossible to have removed these people, and would have been attended with great loss in material wealth to the nation, it is altogether probable that nine-tenths of them would have withdrawn peacefully had they been apprised of any serious complications endangering the integrity of the Government which demanded such a sacrifice. Such a spirit was manifested in August, 1875, in response to the proclamation of General Crook, issued at Camp Crook, in the hills, July 29, 1875. The general conduct of the trespassers, and their proceedings following settlement in the various mining districts, exhibited a law-abiding spirit; their first steps being to provide against lawlessness and to establish orderly local governments.

But the wise and humane purpose accomplished, which was of national benefit, was the final and definite abandonment of the makeshift policy of supporting the Indian in idleness and in savagery, in order to keep him peaceable, and in place the substitution of the enlightened Christian plan, and just system, of compulsory industry and education.

Instead of the useless millions which the Indians had hoped to obtain, they received much less in money than had previously been given in installments in important treaties, and what they did receive, though generous and ample, was an allowance of food and clothing, live stock, for farm use largely, agricultural implements, tools and machinery necessary in preparing lumber and buildings, and schools, with a competent number of instructors to teach them the rudiments of farming, carpentering, building, and other employments of civilized people, and schools with trained teachers to educate the rising generations after the methods and in the language of the American common schools.

It needs no other proof of the wisdom, value and importance of this treaty which was made at less cost than any former agreements of like magnitude, than to point to the barbarous condition and semi-hostile attitude of eight-tenths of the Sioux at that period, and compare it with their condition today. The brief war which culminated in the terrible atrocity called the "Custer Massacre" preceded this amicable and humane agreement by a few months. It was the closing struggle between the Government and its Indian subjects, and though the necessary finish was the unprecedented slaughter of nearly three hundred of the nation's bravest defenders with their famous leader, it strangely, and as though appointed by an overruling Providence, signaled the end of the feud of the red man and barbarian against the authority and the law that had hitherto, and forever brought about a peaceful and permanent adjustment of the country and its people; and it will be remembered that this was occurring in the year of the centennial significance, that all this occurred just 100 years later than the immortal Declaration of Independence. It was a jubilee year for the American Indian, who were disenthralled and lifted out from a life of degradation and suffering, and installed in a new and useful life, which has been typified so far as the nation is concerned, by peace, health, homes, the elimination of evil influences, and the growth of

instances fortunes. And to this happy result the citizens of Dakota contributed zealously, wisely and with unfaltering confidence to the end. As to the material results affecting the Indians a trusted authority states that their wealth now exceeds the average fortune of the whites engaged in similar avocations.

In the agreement of 1876, by which the Black Hills country came into the peaceable possession of the United States, the commission mentions that their first meeting with the Indians was held at Red Cloud Agency on the 7th of September with the chiefs and head men of the Oglala Sioux and Northern Cheyennes and Arrapahoes, who represented 4,901 Indians who were then present at the agency. Inasmuch as the Sioux were recognized as the controlling Indian force in Dakota, and were known to be in a state of hostility toward all other nations and tribes, except the Chippewas of Red River, who were remote kinsmen, it may be well to explain the presence at Red Cloud Agency of the Northern Cheyenne and Arrapahoe Indians, who were not Sioux. It came about in the manner set forth in the following paragraph:

RED CLOUD AND SPOTTED TAIL, ANCIENT HISTORY

The Pawnees, Utes, Shoshones, or Snakes, Arickarees, Gros Ventres, Mandans and Crows were the enemies of the Sioux. The Northern Cheyennes and Arrapahoes were the allies of the Sioux by association and intermarriage with them. In 1832 a severe battle took place on the Chug River, a few miles south of old Fort Laramie, between the Sioux and Cheyennes and Arrapahoes for possession of the territory. A treaty of peace was then made when it was agreed that the country north of the Platte River should belong to the Sioux, and that south of it to the Cheyennes and Arrapahoes. In 1841 a feud arose in the Sioux camp, and a considerable number of the tribe left, went south and ranged with the Cheyennes in the Republican River country. The seceders were given the name of the "Cut-off" bands, about forty lodges. In 1844 a social feud arose in the camp of the Cheyennes and Arrapahoes and 140 lodges of Cheyennes and sixty lodges of Arrapahoes went north and joined the Sioux. They constitute what has since been known as the Northern Cheyennes and Arrapahoes.

The chief man among the Sioux is Red Cloud, an Oglala. He is not an hereditary chief, but a successful soldier, who, followed at first by a few adventurous spirits, has now by success at arms a retinue of 100 lodges of Oglalas and 130 of Brules. Spotted Tail is, a Brule with a following of 200 lodges. Iron Shell and the Man Afraid Of His Horses are minor chiefs, the former of the Brules, and the latter of the Oglalas. [The principal chief of the Arrapahoes and Cheyennes is Medicine Man.] The Sioux, Arrapahoes and Cheyennes hunted in the Powder River country, or Big Horn country, and claimed the Black Hills, though they did not occupy any portion of it permanently. They had, however, long known that it was a gold-bearing country.

The division of the tribe of Brules, though not mentioned in this sketch, must have occurred during these hostilities, and the changes in tribal alignments that resulted therefrom.

The success of the commission was largely due to the tact and experience of ex-Governor Edmunds of Dakota. The reader of this history has already become somewhat acquainted with this American citizen, and has learned that as governor of Dakota he was among the first, if not the very first, of our prominent men to raise the standard of the peace policy in our treatment of the barbarous and savage people who inhabited our western plains. As a member of this commission his counsel had more weight than any other individual associate in deciding the methods to be employed to bring about the favorable result and the consequent permanent settlement of our Indian disturbances on the western frontier. This agreement with the Sioux was the turning point which led the Indians away from their old pursuits and dependence upon the chase to a career in which the industries and customs of civilization were the chief purpose, and thereafter, except for a brief time, we hear no more of Indian wars except those then pending against



DEADWOOD IN 1876



FREIGHTING TO THE STAGECOACH HERE THE FAMILY GAVE

the outlaw bands that had participated in the recent slaughter of Fort Union command, and who under the influence and wily generalship of Kit Carson were not yet subdued.

The commission held seventeen councils with the party of the Big Sioux agency, representing 25,000 people of the tribes known as the Ojibwa, Arapaho, Cheyenne, Minneconjoux, Sans Arcs, Blackfoot, Ute, Kiowa, Comanche, Yanktonnais, Santees, and the Cheyennes and Arrapahoes. The Indians obtained their voluntary and formal relinquishment of the Big Sioux lands to the domain claimed by them in the United States except the land reserved to the Big Sioux Reservation allotted to them by this agreement or treaty. The land was embraced within the following boundaries, to-wit:

Beginning on the boundary line of the State of Nebraska at the mouth of the Missouri River on the 103d meridian of west longitude; thence north along said meridian to the mouth of the south branch of the Cheyenne River; thence up said south branch of the Cheyenne River to its junction with the north branch of the Cheyenne or Belle Fourche River; thence up said north branch of the Cheyenne River to the point where it intersects the 104th meridian of west longitude; thence west along said meridian to its intersection with the south branch of the Missouri River (Cedar Creek fork); thence down the said south branch of the Missouri River to its junction with the Missouri River; thence up the Missouri River to the northern boundary line of the State of Nebraska; thence west on said boundary line to the place of beginning.

This covered an area equal in extent to the State of Illinois, and was believed to contain, in addition to large tracts of fertile lands, more valuable mineral deposits than any area of similar extent in any other portion of our country.

The commissioners closed their negotiations with the Indians at the Agency, Nebraska, about the last of October, 1876, and held their final meeting at Yankton, the capital of Dakota, on the 29th of that month, at which they adjourned to meet in Washington on the assembling of Congress in December, when their report was submitted to the secretary of the interior. They were employed sixty days in the work and traveled 3,500 miles.

The treaty was approved, and ratified by the Senate on the following February, and proclaimed by the President February 28, 1877.

TERRITORIAL COORDINATION: 1990-2000 AND 2000-2010

During the session of Congress, in February, 1877, a bill was introduced in the House by Representative Piper of California, providing for the cession of the Territory of the Black Hills out of portions of Dakota, Wyoming and Montana, and referred to the Committee on Territories. The provisions of the bill were that courts may thus be established, capital appropriated and local legislation secured. The treaty ceding the Black Hills had not yet been ratified at this time, which would sufficiently account for the present condition of the territory; but the Legislature of Dakota, that in 1875, had already provided for the organization of county courts in that State, and had made the Black Hills and the country west of the Missouri River a separate judicial district, all to take effect on the 1st of July, 1876, and the provisions of the treaty placed the country under the jurisdiction of the judicial authority of Dakota, and this ratification of the treaty and the consequent organization of the territory authority occurred on the 17th of the same month.

The boundaries of the new territory were given as follows:

On July 24, 1877, a Government surveying party, escorted by troops, was attacked near the Red Water. The troops lost three killed. The Indians would probably have captured the surveying party and their camp but for the timely arrival of reinforcements. Lieutenant Rempley was in command of the escort.

The Government surveyors were sent out to establish the boundary between Dakota and Wyoming. According to this survey Deadwood was located twenty-two miles east of the boundary line. The boundary crossed Sand Creek on the Bear Gulch trail. The survey placed the mining camps of Deadwood, Gap City, Central, Golden Gate, Lead City, Custer, Rapid, Sheridan, Golden, Hayward, Castleton, Hillyer and Crook City in Dakota. Wyoming was found to embrace the mining towns on Sand, Iron and Potato creeks, with considerable unexplored and unprospected property.

ORGANIZING BLACK HILLS COUNTIES

The Black Hills, subsequent to the treaty of cession, having become subject to the jurisdiction of territorial laws, it became necessary for the Legislative Assembly of the territory to enact laws defining the boundaries of their counties and providing for their organization. This was done at the session of 1877, and is referred to in the legislative proceedings of that year. The text of the county boundary law is given below.

There had been no land surveys made in the country west of the Missouri River as early as 1877, and it was therefore necessary in marking the boundaries of the new counties in the hills to select a parallel of latitude and have resort to permanent natural objects in defining the lines. Reference is also necessary to the laws of 1875, defining boundaries of counties west of the Missouri River in order to ascertain definitely the boundaries of the counties named below:

BLACK HILLS COUNTIES

An Act to define the boundaries of and name certain counties in the Territory of Dakota: Be it enacted by the Legislative Assembly of the Territory of Dakota:

Section 1. That the County of Custer shall be founded as follows: Commencing at the northwest corner of Forsythe County where the west fork of the Big Cheyenne River intersects the boundary line dividing the Territory of Dakota and the Territory of Wyoming; and running thence north along said boundary line to a point ten miles south of the point where the 44th parallel of north latitude intersects said boundary line; thence east in a direct line to the channel of the south fork of the Big Cheyenne and the northern boundary of the County of Forsythe to the place of beginning.

Sec. 2. That the County of Pennington shall be bounded and described as follows: Commencing at a point where the 44th parallel of north latitude intersects the boundary line dividing the Territory of Dakota and the Territory of Wyoming; thence running north along said boundary line ten miles; thence east in a direct line to the channel of the south fork of the Big Cheyenne River; thence southerly along said channel of the south fork to the point where the northern boundary line of Custer County intersects the said south fork of the Big Cheyenne; thence west along the northern boundary of Custer County to the boundary line dividing the Territory of Dakota and the Territory of Wyoming; thence north along said boundary line ten miles to the place of beginning.

Sec. 3. That the County of Lawrence shall be bounded and described as follows: Commencing at a point on the boundary line dividing the Territory of Dakota and the Territory of Wyoming, at the northwest corner of Pennington County; thence east along the northern boundary of Pennington County to its intersection with the channel of the south fork of the Big Cheyenne; thence northerly along said south fork to its confluence with the Belle Fourche River; thence running northwesterly along said Belle Fourche and east fork of the Big Cheyenne River to the point where the said East Fork, or Red Water, intersects the boundary line dividing the Territory of Dakota and the Territory of Wyoming; thence south along said boundary line to the place of beginning.

Sec. 4. That all that part of the County of Pennington as laid down and described in section 1, chapter 29, laws of 1874 and 1875, as is not included within the metes and bounds, as described in section 2 of this act, be made a separate county, and the same to be called Ziebach County.

Sec. 5. The boundaries of the counties of Custer and Lawrence are hereby modified and corrected in accordance with the provisions of this act.

Sec. 6. The governor is hereby authorized, and it is made his duty, when the country

embraced within said counties herein described comes under the jurisdiction of this territory, or as soon as practicable, and he can obtain the necessary information after the passage and approval of this act, and without the petition of voters otherwise required, to appoint for each of said counties three county commissioners, who shall constitute the board of county commissioners, one register of deeds, one sheriff, one treasurer, one judge of the Probate Court, one assessor; and said officers, so appointed, shall hold their offices respectively until their successors shall be elected and qualified according to law.

Sec. 7. Immediately after their appointment the said commissioners for each of said counties respectively shall meet at a place within their county, to be agreed upon, and elect one of their number chairman of the board, who shall immediately administer the oath of office to the other commissioners, and one of them shall then administer the like oath to him. The chairman shall then administer the oath of office to the judge of the Probate Court, and he is then authorized and required to administer the like oath to each of the other officers herein authorized to be appointed. Said oaths shall be in writing, and certified by the person or officer administering them, and must be filed in the office of the register of deeds for the county. Such officers must each thereafter, and as early as practicable, give the bond as required by law, and shall immediately enter upon the discharge of their respective duties according to law.

Sec. 8. Said board of county commissioners for each county is hereby authorized to appoint all other officers authorized by law for said counties, except justices of the peace, and they shall qualify as required by law. The said boards shall also cause an election to be held in each of their counties respectively, upon notice, to be posted in writing not less than twenty days before said election, in five public places in the county, for the election of four justices of the peace in each county, which election shall be held, and the returns thereof made, as provided by the election law of the territory; except that the returns must be made to the register of deeds within six days, and the canvass thereof within ten days after said election; and the justices of the peace so elected may qualify as provided by law, immediately, or as soon as practicable after their election, and shall enter upon the duties of their office at once. Such justices shall hold their offices until their successors shall be elected at the general election in 1877, and shall qualify.

Sec. 9. Any two commissioners appointed as provided herein, shall constitute a quorum, and may perform all the acts required to all legal intents and purposes, the same as if the three were present and acting; and the register of deeds so appointed shall be ex-officio county clerk, and act as such; and the said board of county commissioners must make a journal, and preserve the official record of their proceedings from the first, according to law.

Sec. 10. This act shall take effect and be in force from and after its passage and approval, and it amends and modifies all acts and parts of acts inconsistent with its provisions, so far only as it is necessary to carry this act into effect, but all other such acts, except those bounding and defining counties herein defined, are in force, except so far as this act governs and takes the place of other law.

Approved, February 10, 1877.

Mr. Seth Bullock, who had visited Yankton in the interest of the county organization of Lawrence County, was made the bearer by the governor of the papers appointing the following officers: County commissioners of Lawrence County, Fred. T. Evans, R. D. Jennings, John Wolzworth; register of deeds, James A. Hand; sheriff, Seth Bullock.

Pennington County—Commissioners, P. H. Vosburg, Manville M. Fuller, Edwin Loveland; register of deeds, Joseph R. Hanson. The governor recommended to the commissioners for appointment as county surveyor Thomas F. Marshall for Lawrence County and Charles H. Bates for Pennington County.

During the summer of 1877 the Indians began to be so dangerous in the vicinity of the ranches and mining camps in the northern portion of the hills as to create in the exposed mining camps a reign of terror. Their attacks on emigrant trains were of the most ferocious and revolting description, and a number of such parties were waylaid and actually butchered and their property carried away. So serious the situation became that the sheriff of the county, himself an experienced frontiersman with much experience in Indian warfare, felt compelled to appeal to the governor for assistance and more authority, and telegraphed under date of July 26th to Governor Pennington as follows:

The agency Indians are murdering citizens and destroying property on all parts of the country. Twenty ranchmen already killed, and all of the crops are destroyed. We lack arms and ammunition. Can you aid us in any way?

Seth Bullock, Sheriff.

The governor telegraphed Bullock's dispatch to the secretary of war, and also sent a similar telegram to General Crook. In reply to Bullock he was compelled to inform him that he had no arms or ammunition under his control, but instructed the sheriff to raise two companies of militia.

Under the authority of the governor Sheriff Bullock organized six companies of militia cavalry numbering thirty men each. The companies armed themselves and furnished their own horses. The officers of these companies were commissioned by the governor; and while the county commissioners provided for the necessary expenses while on duty, the territorial government would be required to make good all sums expended in maintaining the troops, though in the end the national Government was looked to to defray these expenses, as it did in an earlier trouble for the expenses of the militia employed in the Little Crow war of 1862.

At this time, and in response to Bullock's telegram, which had been forwarded from Washington to the commander of the Department of the Platte, with the result that a force of troops were immediately dispatched from Fort Robinson, Neb., and another from Fort Laramie. The commissioners of Lawrence County offered a reward of \$250 for the "body of any Indian found in the county dead or alive."

The commissioned officers of Company A, Lawrence County Militia, were: W. H. Parker, captain; John Manning, first lieutenant; Noah Siever, second lieutenant; Doctor McKoven, surgeon.

Captain Parker, many years later, was elected a representative in Congress from the State of South Dakota formed from the south half of the parent territory. Lieutenant Manning became one of the influential men of the hills and for a number of years held the office of sheriff of Lawrence County.

The subsequent life and career of Sheriff Seth Bullock has been identified with the promotion of the material and moral interests of the hills country, and has fully justified the expectations formed then of his future career. His timely and masterly handling of the perilous situation in which the people of that entire region were placed at the period following the cession of the hills country and its settlement, prevented what in all probability would have resulted in a frontier war that would have cost many valuable lives with its attendant cost and destruction of property. The Indians, or many of them, though tacitly consenting to the sale of the hills, felt that the transfer was forced from them, and their sanguinary operations during the latter part of 1876 and 1877 were but the expression of their bitterly revengeful spirit. These hostiles were not recognized as northern or Sitting Bull's people, but, as described by Sheriff Bullock, were from the agencies comparatively near, and were known prior to these hostilities as peaceable and friendly.

In organizing the Black Hills counties in 1877 a lawful course, though not the usual one, was pursued. The anomalous condition of the hills people as to the residence and citizenship—nine-tenths probably not being legal citizens and voters—the Legislature of 1877, in order to accommodate these unusual conditions, enacted a law to cover the situation, which was the best that could be done under the circumstances existing. This law will be found in section 6 in the act providing for the organization of the Black Hills counties, passed in February, 1877, and reads as follows:

Section 6. The governor is hereby authorized and it is made his duty, when the country embraced within the said counties herein described comes under the jurisdiction of the territory, or as soon as practicable and he can obtain the necessary information after the passage and approval of this act, and without the petition of voters otherwise required, to appoint for each county three county commissioners, who shall constitute the board of county commissioners, one register of deeds, one sheriff, one treasurer, one judge of the Probate Court, one district attorney, one coroner, one superintendent of public schools, and one assessor; and said officers so appointed shall hold their offices respectively until their successors shall be elected and qualified according to law.



EAF WITCHER



SETH BULLOCK



ELLIS T. PIERCE



THOMAS GRAY

The governor in March, made the following appointments:

Lawrence County.—County commissioners, Fred T. Jones, P. H. Johnson, John Wolzmut, A. W. Lavender, E. C. Brearly. Register of Deeds, James A. Hand. Sheriff, Seth Bullock. Surveyor, Thomas F. Marshall. Assessor, Wm. J. James. Superintendent of schools, C. H. McKinness. Probate Judge, James F. Hanrahan.

Pennington County.—County commissioners, P. H. Vosburg, Manville M. Fuller, Edwin Loveland. Register of Deeds, Joseph R. Hanson. Surveyor, Charles H. Bates. Sheriff, Frank P. Moulton. Probate Judge, J. H. Pomeroy.

Custer County.—County commissioners, Athbert Arnold, M. P. Thompson. Sheriff, D. N. Ely. Register of Deeds, Fred J. Cross. Probate Judge, J. H. C. White.

The purpose of the governor, in making these appointments was to select men whom he knew to be responsible, who would get fairly and harmoniously settling up and starting the machinery of government in the new counties, and he therefore selected his appointees without regard to their Black Hills residence. Many on the ground of fitness, character and ability. The feeling in the hills, however, was one of animosity toward many of the appointments, who were termed "outside baggers" by many of those who were themselves merely transient sojourners. The judge of the district was prevailed upon a few months later to call an election for county officers.

In October, Judge Bennett, the federal judge of that district, granted a writ of peremptory mandamus, ordering the county clerk to call a general election. The county clerk had refused to issue the call holding that the appointive officers held their positions until the general election of 1878, when the law provided for the election of county officers in all counties of the territory. The judge held, however, that the Black Hills appointments were by analogy similar vacancies to those specified by law, and should be filled in like manner.

The appointment of officers by the governor to hold office until 1878 makes no difference. The law says that such and such officers shall be elected and shall hold office until the next general election, and until their successors shall have been elected and qualified. There can be no question about the legality of an election this year for all the officers upon the short or unexpired term, or until next year, and the clerk should issue the call as the statutes require. He cannot come into court and plead ignorance of the law. He should know what vacancies occur, and his oath should compel him to issue the call.

At the special election authorized by the District Court of the First Judicial District, Judge Bennett presiding, held November 15, 1877, the following persons were candidates on the democratic ticket of Lawrence County, for the various county offices:

County commissioners, James Ryan (Spearfish), J. B. White (Crook City), W. G. Gates (Central); sheriff, John Manning; register of deeds, C. H. McKinness; treasurer, Charles Brigham; probate judge, John R. France; county attorney, Joseph Miller; assessor, A. M. Cox; superintendent of schools, Doctor Wood; coroner, Doctor Owings; surveyor, F. W. Von Badungen; justice of the peace, Charles E. Barker (Deadwood), Robert Giddings (Bear Gulch), F. C. Graham (Garden City), James Fisher (Bear Gulch), Frederick Thomas Hagen (Gayville), A. Van Valkenberg (Bear Gulch), Edward Donahue (Crook City); county central committee, Dr. Charles W. Meyer (Deadwood), P. H. Early (South Deadwood), S. Hagen (Central), J. Thompson (Crook City), W. H. Enfield (Anchor), C. F. Thompson (Deadwood), Ed Murray (Mountain City), F. C. Graham (Garden City), F. L. Ames (Pawnee), Judge France (Spearfish), A. Van Valkenberg (Bear Gulch), J. H. Gallagher (Crook City), W. D. Knight (Crook City), Robert Giddings (Crook City), Joe Votaw (Crook City town).

It was generally conceded that the democratic outnumbered the republican largely in the county, therefore the opposition ticket was known as the "republican" ticket, and was made up as follows:

room, as a criminal case was brought on for trial, filled with spectators, when the floor was felt to be sinking; a partition, dividing off one corner as a jury room, parted from the rafters and fell in upon the crowd. The court ordered the sheriff to clear the room; but his services were not needed as the crowd instinctively rushed out. The entire session was consumed with criminal business, and the log cabin used as a jail was not then entirely uninhabited. Into this cabin, about fourteen feet square, there were nearly twenty prisoners presumed to be of the desperate class. Among them were placed two resolute guards, and another guard outside at all times; this force was doubled at night. The opening of the court appeared to favorably influence the social and moral conditions of the six or seven thousand people of the place, and they seemed to feel like congratulating their neighbor, and slyly admonishing him that thereafter he would be expected to behave himself.

Years later, when the hills had been occupied with cities and villages and mining industries, and thousands of prosperous homes of the white race, and a new generation of red men had grown up somewhat more enlightened than their predecessors, an occasional discovery was made possibly in some out-of-the-way corner of the hills, revealing the presence there of some bold band of adventurers in a quest for gold, who left a record of their adventure scrawled upon the imperishable rock, telling of their trials and of their final probable extermination at the hands of the ancestors of the present Sioux generation in their futile attempts to stay the aggressive advance of civilization, and thus save their precious country from the possession of the pale-faced invader.

PRE-HISTORIC MINING IN THE HILLS

That the Black Hills country was prospected for gold by at least one generation in advance of its lawful settlement in 1876-77 has been well authenticated by the discovery there of abandoned "diggings" of white men's huts in partial ruins and by implements of various kinds. As an abundant confirmation of pre-historic occupation, the Black Hills Telegraphic-Herald, an early newspaper established at Deadwood or Whitewood, in May, 1878, gave out the following:

Every few months the miner or the adventurous prospector brings to light some fresh evidences of early mining operations in the hills. These operations must have been carried on by quite a number of men, but their names and where they came from, are matters of conjecture, and will probably remain so until the end of time.

Mining implements have been unearthed, buried many feet below the surface of some of our mining claims. A chain was found partially imbedded in a large pine tree, where it had probably hung for many years. The old tunnels and shafts found last winter are also another evidence of the early visits of miners to this country. We have now discovered still another link in this unwritten history. Last Friday there arrived in Lead City two hunters, Frenchmen, by the name of LeFevre, who will be remembered by old residents of Battle Creek as being there the winter of '76. These men have been hunting and trapping the past winter in the vicinity of Bear Lodge Mountains. They report that one day last January while tracking a wounded deer, they came across the skeletons of two men. They were found on top of a rather elevated knoll, and rocks, earth, and pieces of trees formed a sort of rough breastwork, behind which the remains were lying. The skulls of both men were in a fair state of preservation, and through the center of one of the skulls there was a large hole, evidently made by a bullet. The second skeleton lay some ten feet distant, and the iron head of an arrow was firmly imbedded in the thigh bone; the wooden part had evidently been broken off, and only a short stump remained, which was wrapped with rawhide. The wood of the arrow was considerably warped, and showed signs of having been exposed to the weather for many years. They also found part of an old iron camp kettle, the broken stock of an old rifle, made of fancy knotted wood, such as the old Kentucky rifles used to have. The logs that formed part of this breastwork were literally filled with bullets, showing that the fight for life must have been long and bitter. No clothing of any kind could be found in the vicinity, except the heel and counter of an old boot; the savages evidently stripped the bodies entirely naked.

The hunters in their search for something that would lead to the identity of these bodies, tore down part of the breastwork, and were rewarded by the discovery of what was evidently the cover of a leather-covered memorandum book. The action of the weather, and the decayed vegetation, which had sprung up and nearly hidden the breastwork from view,

had the effect of nearly destroying this evidence that the skeletons were those of white men. There had evidently been considerable writing on this cover, but all that remained legible were the figures, "1-52," which was evidently 1852. The bones were very much scattered, as though wild animals had eaten the bodies after they were killed. The hunters collected what they could find and buried them in the snow. The hunters of the old tunnel discovered last winter, in the snow, the bones of the party who had so gallantly defended. The inscription on this book and the inscription on the cover of the old tunnel discovered last winter, are the same. The hunters of the old tunnel writer to believe they belong to one and the same party.

All evidence so far discovered goes to show that there were only two parties of hunters who fought with the Indians, who at that time were in the Black Hills. It is possible that if these men belonged to the party who run the old tunnel near Lead, that the party escaped from the tunnel and were killed on the old overland trail through that country. One by one the merciles until only two remained, and these two, being alone, were killed where the hunters found their bones, and fought their way out of the entire consumption of their ammunition, they became an easy prey for their un- ing foes. The theory that their surrender was caused by their ammunition being used as a last weapon of defense.

FIRST RAILROAD IN THE BLACK HILLS

The first railroad in the Black Hills was built by the Homestake Mining Company, during the year 1881, and reached from Lead City to Elk Creek, and a point called Woodville, a distance of twelve miles. Its construction was under the superintendency of Samuel McMasters, manager of the Homestake. It was the first-class road. It was opened with all the formalities observed on other railroads of like character. An excursion was run from Lead to Woodville, carrying a large party, where a banquet was given, and a cordial welcome was delivered by Mayor Wright, head of the Woodville municipality. Captain Millett had charge of this first train. Addresses were made by President McMasters, of the road, and also by Col. Alf Thomas, of Deadwood, A. J. Thomas, James Van Dyke, and others. At the conclusion of these exercises the road was declared open for business, and the excursion party returned.

BLACK HILLS AND THE INDIAN PROBLEM

We have sketched the history of the peace policy of the Government in a separate chapter, but find that in large part it is closely interwoven with the proceedings for the opening and the purchase of the Black Hills—in fact, so much so that it was the necessity the Government was placed under to secure the relinquishment of that country by the Sioux that led to the final determination to withhold further supplies of food and clothing unless the Indians consented to a general relinquishment of the country, and agreed to enter upon a civilized life and acquire habits of industry and the customs of a civilized people. It was that step, and the native offered by the Great Father, that turned the Indian's mind away from the hunt and idleness to the plowshare and an industrial life.

The securing of the Black Hills by the Government and opening that country to white settlement, was unquestionably the most important of our most important achievement that assured the success of the peace policy as applied to the nation of Sioux Indians, the most formidable and warlike tribe in the United States, and marked, all things considered, the beginning of the most peaceful and favorable era in the history of Dakota Territory and of the Northwest generally; and although, at the time, the intervening Great Sioux Reservation, which separated the eastern and settled portions of Dakota from the hills, was considered a serious obstacle to the progress of the territory toward civilization, and when it is considered that this closed to the progress of white civilization was the prime factor in the emancipation of the Sioux from barbarism and idleness, we can well afford to be sincerely thankful to those who were the cause of this obstacle in the path of Anglo-American civilization.

